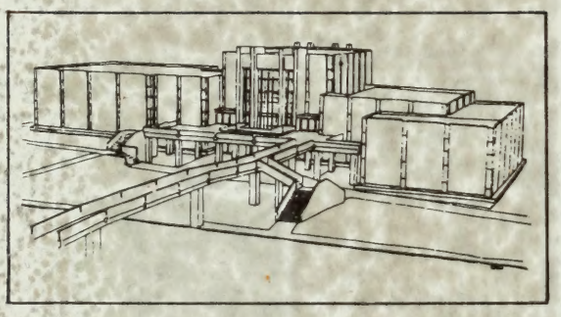

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OF THE

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FOR THE

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1886-'87.

VOLUME 10.

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FIFTH ANNUAL REPORT

OF THE

BUREAU OF ETHNOLOGY

TO THE

SECRETARY OF THE SMITHSONIAN INSTITUTION

1883-'84

BY

J. W. POWELL
DIRECTOR

WASHINGTON
GOVERNMENT PRINTING OFFICE
1887

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generations, of the round sun towers and circular estufas so intimately associated with sun worship, yet which were at first but survivals of the round medicine lodge.

(2) The rainbow is a deified animal having the attributes of a human being, yet also the body and some of the functions of a measuring worm. Obviously, the striped back and arched attitude of the measuring worm, its sudden appearance and disappearance among the leaves of the plants which it inhabits, are the analogies on which this personification is based. As the measuring worm consumes the herbage of the plants and causes them to dry up, so the rainbow, which appears only after rains, is supposed to cause a cessation of rains, consequently to be the originator of droughts, under the influence of which latter plants parch and wither away as they do under the ravages of the measuring worms. Here it will be seen that the visible phenomenon called the rainbow gets by analogy the personality of the measuring worm, while from the measuring worm in turn the rainbow gets its functions as a god. Of this the cessation of rain on the appearance of the rainbow is adduced as proof, and the incidents of the myth history of the rainbow gods are, as might be shown by additional illustration, but further dramatizations of these functions of the measuring worm. So much indeed is this the case that the fading of flowers is attributed to the rainbow, who, consuming their imperceptible existences, thus derives his brilliant coloring just as it is believed that the measuring worm gets his green, yellow, and red stripes from the leaves and flowers which he devours. The influence of all this analogic philosophy is shown in the Zuñi theogony and worship by the way in which the rainbow is relegated to a place among the malignant gods of war—hence painted on war shields—and made a demon to be propitiated, yet shunned. Therefore he is unhonored in the worship of the Zuñi, turned from by them when he appears in the sky, and covertly imprecated in set formulæ.

The general conclusions from these examples may be that in folk myths natural phenomena become personified, mostly by visible analogy, while functions become dramatized, but

that the reverse may sometimes be the case, and both to a far more elaborate and complex extent than can here be illustrated by quotations from Mr. Cushing's abundant yet unfinished notes.

Mr. JAMES C. PILLING continued the preparation of the Linguistic Bibliography, and proof-sheets of pages 561–1040 were received from the printer. Copies of these sheets were distributed as heretofore, and much assistance was rendered by Señor Joaquin Garcia Icazbalceta, of the City of Mexico, and Drs. J. Hammond Trumbull, of Hartford, Conn., J. G. Shea, of Elizabeth, N. J., and D. G. Brinton, of Media, Pa.

During November and December, 1883, Mr. Pilling made a trip to Hartford for the purpose of visiting the library of Dr. Trumbull, where a number of new titles and much interesting information were obtained. On his way to Washington a very profitable week was spent in the library of Dr. Brinton. The valuable linguistic material relating to that portion of North America lying south of the United States which had been collected with much labor by Dr. Berendt had fallen, by purchase, into the hands of Dr. Brinton, and proved to be one of the richest of the repertories utilized by the compiler of the work.

Mr. CHARLES C. ROYCE continued his work upon the Historical Atlas of Indian Affairs, the character of which has been set forth in former reports and also appears in the introductory pages of his paper on the "Cherokee Nation of Indians" in the present volume.

Mr. WILLIAM H. HOLMES, in addition to his charge of the preparation of illustrations for the publications of the Bureau, has continued the archæologic studies begun in previous years, confining his investigations more especially to ceramic art and ornament.

In the latter part of 1884 he was assigned to the duty of preparing an ethnologic and archæologic exhibit for the World's Industrial Exposition at New Orleans. This work was supplemented by the preparation of minor displays for the expositions at Cincinnati and Louisville.

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LETTER OF TRANSMITTAL.

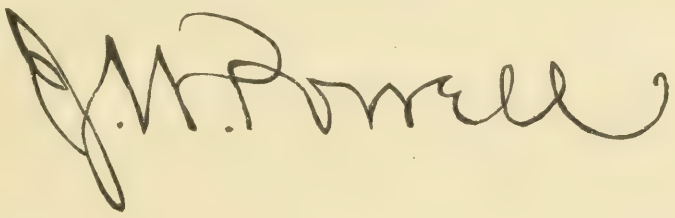
SMITHSONIAN INSTITUTION, BUREAU OF ETHNOLOGY,
Washington, D. C., October 25, 1884.

SIR: I have the honor to submit my Fifth Annual Report as Director of the Bureau of Ethnology.

The first part consists of an explanation of the plan and operations of the Bureau; the second part consists of a series of papers on anthropologic subjects, prepared by my assistants to illustrate the methods and results of the work of the Bureau.

I desire to express my thanks for your earnest support and your wise counsel relating to the work under my charge.

I am, with respect, your obedient servant,



Prof. SPENCER F. BAIRD,
Secretary Smithsonian Institution.

FIFTH ANNUAL REPORT

OF THE

BUREAU OF ETHNOLOGY.

By J. W. Powell, Director.

INTRODUCTION.

The prosecution of ethnologic research among the North American Indians, as directed by act of Congress, was continued during the fiscal year 1883–'84.

The general plan before reported, upon which the work has been prosecuted, remains unchanged. Specialists are employed to pursue definite lines of investigation, the results of which are presented from time to time in the publications of the Bureau. A summary account of the particular work upon which each of the special students was engaged during the year is presented below. This, however, does not embrace all of the services rendered by them, as it has often been found necessary to suspend particular lines of research in order to unite the whole force for the speedy accomplishment of an important general undertaking. From this cause unavoidable delays have occurred in the publication of several treatises and monographs far advanced toward completion. In reference to monographs and other papers directly connected with linguistic and ethnic classification, a further cause of delay has arisen from the necessity of solving new problems as they have arisen in the continued study of the data collected. Thus renewed expeditions to the field have several times become

necessary to verify or correct some particulars in treatises otherwise ready for the printer, and, indeed, in some cases, partly printed.

Collaboration is constantly invited from competent explorers and writers who are not and do not desire to be officially connected with the Bureau. Some valuable results have been obtained and utilized through special applications to individuals and through voluntary contributions induced by interest in the publications thus far made. The liberality of Congress, it is hoped, will soon allow of the publication of bulletins especially designed to make known without delay the discoveries and deductions of the scholars throughout the world who may thus co-operate with the Bureau. By this means an effective impulse will be given to their researches.

In order to set forth the operations of the Bureau with sufficient detail, the subject will be divided, as heretofore, into three principal parts, the first relating to the publications issued, the second to the work prosecuted in the field, and the third to the office work, this last being to a large extent the preparation for publication of the results of field work, with the corrections and additions obtained from the literature of the subject and by correspondence.

PUBLICATIONS.

The Second and Third Annual Reports were issued and distributed during the year.

The Second Annual Report contained pp. i–xxxvii, 1–477, 77 plates, 403 figures, and 2 maps. The papers accompanying the official statement of the Director are as follows:

Zuñi Fetiches, by Frank H. Cushing; pp. 3–45, plates I–XI, figures 1–3.

Myths of the Iroquois, by Erminnie A. Smith; pp. 47–116, plates XII–XV.

Animal Carvings from Mounds of the Mississippi Valley, by Henry W. Henshaw; pp. 117–166, figures 4–35.

Navajo Silversmiths, by Dr. Washington Matthews, U. S. A.; pp. 167–178, plates XVI–XX.

Art in Shell of the Ancient Americans, by William H. Holmes; pp. 179–305, plates XXI–LXXVII.

Illustrated Catalogue of the Collections obtained from the Indians of New Mexico and Arizona in 1879, by James Stevenson; pp. 307–422, figures 347–697, and 1 map.

Illustrated Catalogue of the Collections obtained from the Indians of New Mexico in 1880, by James Stevenson; pp. 423–465, figures 698–714, and 1 map.

The Third Annual Report contained pp. i–lxxiv, 1–606, 44 plates, and 200 figures. In addition to the purely official statement of the Director, the introduction to the volume contained papers by him on kinship and the tribe, on kinship and the clan, on tribal marriage, and on activital similarities. The accompanying papers were as follows:

Notes on Certain Maya and Mexican Manuscripts, by Prof. Cyrus Thomas; pp. 3–65, plates I–IV, figures 1–10.

On Masks, Labrets, and Certain Aboriginal Customs, with an inquiry into the bearing of their geographical distribution, by William H. Dall; pp. 67–202, plates V–XXIX, with two unnumbered figures in text.

Omaha Sociology, by Rev. J. Owen Dorsey; pp. 205–370, plates XXX–XXXIII, figures 12–42.

Navajo Weavers, by Dr. Washington Matthews, U. S. A.; pp. 371–391, plates XXXIV–XXXVIII, figures 42–59.

Prehistoric Textile Fabrics of the United States, derived from Impressions on Pottery, by William H. Holmes; pp. 393–425, plate XXXIX, figures 60–115.

Illustrated Catalogue of a Portion of the Collections made by the Bureau of Ethnology during the field season of 1881, by William H. Holmes; pages 427–510, figures 116–200.

Illustrated Catalogue of the Collections obtained from the Pueblos of Zuñi, New Mexico, and Wolpi, Arizona, in 1881, by James Stevenson; pp. 511–594, plates XL–XLIV.

FIELD WORK.

In this branch of duty facts are collected in archæology and technology by means of explorations directed to ancient and modern material objects produced by the native tribes, and in philology, mythology, and sociology by means of examination of the members of those tribes, both as individuals and as aggregations.

Former reports have fully explained that without the authority and assistance of the Government little useful work can be done in the collection and preservation of material objects. The purpose of private explorers in this direction is usually to procure relics or specimens for sale or merely to gratify curiosity, with the result that these are often scattered, and lost for any comprehensive study, while their receptacles, whether mounds, graves, or ruins, are in many cases destroyed without intelligent examination or record, by which students are forever deprived of needful illustrative and explanatory data. The trained explorers of the Bureau preserve all useful

facts touching the localities concerned, and the objects collected, both ancient and modern, are deposited in the National Museum. Experience has also shown that individual travelers, unguided and without common system, have failed to obtain the best results in the ascertainment of Indian languages, philosophies, and customs. The study of these subjects cannot be pursued from the accounts (however invaluable) of the early explorers and the precious vocabularies of pioneer missionaries without the interpretations and corrections to be obtained among existing tribes by the latest scientific methods of research. For these but little time now remains.

MOUND EXPLORATIONS.

WORK OF PROF. CYRUS THOMAS.

The division organized for the survey and exploration of mounds and other ancient works in the territory of the United States east of the Rocky Mountains, which, as before reported, was placed in the charge of Prof. Cyrus Thomas, continued work during the year with satisfactory results.

Explorations were carried on not only during the summer, autumn, and spring, but also throughout the entire winter.

The regular assistants were the same as during the previous year, viz: Mr. P. W. Norris, Mr. James D. Middleton, and Dr. Edward Palmer. Messrs. John P. Rogan, John W. Emmert, and L. H. Thing were also employed for short periods as temporary assistants.

The investigations of Mr. Norris were confined to the Kanawha Valley, West Virginia, until suspended by extreme cold weather, when he went to Arkansas; but he returned to West Virginia in the latter part of May and remained there during the first part of June, 1884. Through his explorations it was made manifest that one of the most extensive and remarkable groups of ancient works in the United States is contained in the section mentioned. There is probably no group exhibiting a greater variety of works. They comprise mounds of various forms from a few inches to 40 feet in height, circular and irregular inclosures, parallel lines of walls, elevated

ways, basins and ditches, stone cairns, and rude stone structures of an anomalous character.

Although the exploration of this interesting group is far from complete, it is sufficient to indicate with great probability that the people who constructed the mounds within it built the Grave Creek Mound or were intimately related to the authors of that celebrated tumulus. Some indications also appear that the builders of these mounds were related to the authors of the ancient works of the Scioto Valley.

Mr. Middleton was engaged during the summer and fall in exploring the small circular tumuli found in Southwest Wisconsin, usually in connection with the effigy mounds. Although these tumuli are mostly simple burial mounds, of the ordinary type, the result obtained was of much importance, as it served to show not only that the burial mounds opened and described by Dr. I. A. Lapham and Dr. P. R. Hoy were typical of the class throughout the effigy mound area, but that Dr. Lapham was justified in his conclusions in reference to the authors of these works. During the winter Mr. Middleton's operations were confined to Arkansas.

Mr. Thing was engaged during a few months of autumn and winter in exploring mounds of the southeastern counties of Missouri and the northeastern portion of Arkansas. The results of the investigations made in this part of the Mississippi Valley will have an important bearing upon the questions relating to the objects for which the mounds were erected and the manner in which they were used. Many additional data were obtained in reference to the forms, materials, and modes of construction of the dwellings of the mound builders of this section and to the modes of burial adopted by them. The collection of mound pottery made in this section exceeds that of the previous year and is important on account of the different types procured and the number of whole and uninjured vessels obtained, some of which are supposed to present true facial types.

Mr. Rogan was employed for some months in exploring the works in Florida and in Northern Georgia. In the former the

results were almost wholly negative, except so far as they tended to show that in Florida the mounds were chiefly domiciliary and that but few were built for burial purposes. In Northern Georgia his work was confined chiefly to an exploration of the well known and often mentioned Etowah group near Cartersville. This examination brought to light the most remarkable and important mound builder relics so far disclosed in the United States. These are very thin, evenly wrought sheets of copper, on which are impressed, as regularly as though done with metallic dies or by means of machinery, figures bearing a manifest resemblance to the typical forms noticeable in the ancient codices of Mexico and Central America and in the ruins found in those regions. The skill and art manifested in their manufacture are far in advance of anything hitherto discovered appertaining to the mound builders and raise a serious doubt as to their aboriginal origin. The conditions under which these articles were found clearly indicate that they were placed in the mounds when the latter were built and not subsequently.

The explorations of Dr. Palmer were confined chiefly to Southern Alabama and Southwestern Georgia, and, though rewarded by no remarkable discoveries, still they have added much evidence concerning the construction and uses of southern works and have served to correct some errors in the published accounts of the noted groups in Early County, Georgia.

Mr. Emmert was engaged for a short time in examining ancient graves in East Tennessee and works in Western North Carolina.

The collections made exceed in number and value those of the preceding year, and the data obtained bearing on the questions relating to the origin and uses of these works, and the habits and customs of the people who constructed them, are very important and will serve to throw much additional light on these interesting problems.

EXPLORATIONS IN THE SOUTHWEST.

WORK OF MR. STEVENSON.

Mr. James Stevenson with a small party continued the explorations in Arizona and New Mexico which had been before prosecuted as reported in previous years. He explored several large and important ruins in Northeastern Arizona, where he made some valuable collections, including skeletons, skulls, ancient pottery, and bone and stone implements. At the ruins of Tally-Hogan the party discovered the ancient burial ground of the inhabitants. This was in the sand dunes, a series of which surrounds the western side of the ruins. Heretofore it has been supposed that the Indians buried their dead among the rocks on the mesa sides. Their mode of burial, as now ascertained, was to place the dead at the foot of a sand dune and to cover the body, together with some implements and other articles which had belonged to the deceased, with sand. Many vases and bowls and other small objects were found in the graves.

Mr. Stevenson subsequently visited the seven Moki villages in Arizona, from which he obtained important information as well as a collection of their household and other utensils. The work of this party for the field season was concluded by an examination of two distinct classes of ancient ruins in Arizona, one about 10 miles northeast, the other about 15 miles southeast of Flagstaff. The former consisted of sixty or more cave dwellings, situated on the summit of a round lava-capped hill. The dwellings are close together and were carved out beneath the hard shelter rock of lava, under which the material was rather loose, readily yielding to the rude stone implements used in making the excavations. In these dwellings fragments of ornamented pottery were discovered resembling somewhat the ancient pottery so abundant in many portions of Arizona, and specimens of it were collected. Other objects, such as metates, stone axes, mullers, and corn cobs, were found in the excavations, and the seeds of several species of small grain were scattered through them Fragments of

several kinds of bone were also found, representing the elk, deer, wolf, badger, rabbit, and some other animals.

The ruins about 15 miles southeast of Flagstaff are similar to those in Cañon de Chelly. These ruins are extensive and are built on terraces in the side of Walnut Cañon. They differ, however, from the cliff dwellings of Cañon de Chelly in construction. The doors are large and extend from the ground up to a sufficient height to admit a man without stooping. The rooms are large and the walls are 2 to 4 feet thick. The fireplaces are in one corner of the room on an elevated rock, and the smoke can only escape through the door. The masonry compares favorably with any employed in the construction of the best villages in Cañon de Chelly. Many objects of interest were found in the débris around and in these houses. Matting, sandals, spindle whorls, and stone implements of various kinds abound. The ruins in the vicinity of Flagstaff were ascertained to be of sufficient value to require further investigation.

WORK OF MR. VICTOR MINDELEFF.

In the latter part of August a party in charge of Mr. Victor Mindeleff was ordered to the field, and camp was formed about the middle of September at the ruined pueblo of Kin-Tiel, 24 miles south of Pueblo Colorado, Arizona. A large scale ground plan was made of this excellently preserved old pueblo, together with contours of the irregular site on which it is built, and a full series of photographs was obtained. While here several excavations were made in and around the ruined village, from which a number of interesting specimens of bone, stone, and pottery were secured. One undisturbed burial was found, from which a skeleton and two bowls were taken. A noticeable object met with in excavating a marginal room of the pueblo was a circular doorway, made of a single slab of sandstone pierced by a large round hole. This specimen was taken out entire from its place in the wall and is now in the National Museum. A small ruin, known by the Navajo name of Kinna-Zinde, a few miles from Kin-Tiel, was examined and

photographed. Its position on the edge of a long valley on an elevated bit of rock suggests its use in connection with petty agriculture. Several other ruins of small size occur in this vicinity, but the masonry is broken down and overgrown with grass and sage brush, so that the arrangement of rooms is not traceable.

On finishing this work the party proceeded to Cañon de Chelly, Arizona, entering the cañon at its mouth. The entire cañon and all its branches, comprising a length of 85 miles, were explored and platted to a scale of 8 inches to the mile, a scale sufficiently large to exhibit clearly the relation of the ruins to the surrounding topography. Each ruin, after its position had been accurately indicated on this map, was drawn in detail, the ground plan being given whenever practicable. A few of these ruins were inaccessible and could only be drawn as seen from below. The cañon and its branches contained one hundred and thirty-four ruins, of the greatest variety, both in size and in the character of the sites occupied. This work was finished early in December, the party returning to Fort Wingate, New Mexico, and proceeding thence to the pueblo of Acoma for the purpose of making a collection of pottery. Twelve hundred pieces were secured, principally in the latter part of December. While the party was camped at this point an architectural survey of the village was also made. The ground plans were drawn to a scale of 20 feet to the inch, as had been done previously in the cases of the Zuñi and the Tusayan villages, with the object of preparing a large model.

Mr. Victor Mindeleff reported at Washington early in January, leaving the camp in charge of Mr. Cosmos Mindeleff until the shipment of the pottery, which it was not possible to complete until the end of January.

ZUÑI RESEARCHES.

WORK OF MR. F. H. CUSHING.

Mr. Frank Hamilton Cushing continued to supplement and extend the field work in Zuñi referred to in the reports of his operations for the preceding four years. During the last six

months of 1883 he successfully exerted himself to increase his influence among the Zuñi Indians with special reference to securing his complete initiation (begun by the seaside at Boston, in 1882) into their Kâ-Kâ or sacred dance organization.

While awaiting the long deferred opportunity for recording the ancient epic rituals of the tribe, which he hoped to gain by means of initiation into the Kâ-Kâ, he undertook, at intervals during the winter of 1883–'84, systematic explorations of the sacrificial grottoes and native shrines of the Zuñi in the main and tributary valleys of their pueblos. In and upon the mesa of Tâai-yal-lon-ne (Thunder Mountain) alone he found eight of these depositories, three of which proved to be entirely prehistoric. On the headlands, both north and south of Zuñi, he traced eleven additional shrines, and near both Pescado and Nutria he found others, all rich in ancient remains. More important than any of these, however, were three caverns, or rock shelters, situated in two cañons, one about nine miles east of Zuñi, the other southeast and nearer the pueblo by three miles. Two of these caves were at a remote date used as receptacles, one containing a burial cairn, the other an extensive accumulation of well preserved idols of war and rain gods, symbolic altar tablets, sacred cigarettes, long and short prayer wands, and numerous examples of textile, cordage, and plume work. The latter depository was the more important in that it is still used and held sacred by the Zuñi, and hence is clearly referable to their ancestry. Its contents evidently connected it with the crater and cave shrines discovered by Mr. Cushing on the Upper Colorado Chiquito, in 1881, and described in the report of his explorations for that year. As, however, he was forced to visit these places either in company with Indians or by stealth, the objects could not be disturbed.

Pursuing his explorations southward, he discovered, between twenty and thirty miles from the central Zuñi Valley, not only two caves containing sacrificial remains, but also a number of cemeteries of undoubted ancient Pueblo Indian origin. These burial places yielded perfect crania and well preserved vessels of pottery and in all respects, save in extent, corresponded to

those of Arizona examined and reported on by him during the spring of 1883.

He thinks that the primitive house building Indians, although they at first practiced burial by interment, carried the remains of their dead (judging by the cemeteries under discussion) to great distances from their permanent homes. This would partly account for the delay in discovering Pueblo burial places. He is further of the opinion that afterward, when the present methods of terraced communal architecture (induced by defensive considerations and productive of conditions and populations rendering interments impracticable) began to prevail, water sepulture came into vogue. According to Zuñi tradition, this was performed by cremating the bodies and carrying the remains to sacred springs, or lagunes, into which they were cast.

In seeking later to locate the "Seven Cities of Cibola," Mr. Cushing made linguistic, geographic, and traditional studies relative to the succession of architectural types in the Southwest, with the following results.

The ancestral Pueblos, of whom the Zuñi are markedly the modern representatives, dwelt.

(1) In conical, circular brush shelters or lodges (Hani-pon-ne, from ha-we, dried brush, branches, or leaves, and pó-ne, placed convergingly or covering over circularly).

(2) In lodges of masonry of lava stones laid up dry, but plastered (Hé-sho-ta-pon-ne, from he-sho, wax rock; ta-we, wood, timber, and pó-ne), from which rude circular structures the rectangular shapes were developed, through crowding together on limited mesa sites many houses in rows, each most economically separated from those contiguous by straight partition walls.

(3) In solitary hamlets or scattered houses, distributed according to the occurrence of water and accommodating limited families or numbers engaged in horticultural operations. (Hence the name for a single house, K'iá-kwïn-ne, from K'iá-we, water, and kwin-ne, place of.)

(4) In cliff and cañon houses, or cave buildings, resorted

to from the scattered houses or agricultural hamlets for protection. (Hence Ósh-ten-u-thlan, an upper story room, from Ósh-ten, a cave, rock shelter, and ú-thla-nai-e, built within or surrounded by, literally, "cave room.")

(5) In mesa villages, composed of confederated clans of the cliff hamlets. (Hence Thlu-éllon-ne, the modern name for a village, from thlua, many set up, and él-lon-a, standing together—that is, "many built up in one.")

(6) In great terraced (and often walled) valley villages, owing their strength to the number of the inhabitants. In this last condition the Shí-wo-na or Cíbola (Zuñi) tribes were found by the Spanish conquistadores in 1539–'40

It will be observed that some of the etymologies given above present slight variations from etymologies heretofore given by Mr. Cushing in the Fourth Annual Report.

Based upon these studies Mr. Cushing made others regarding the sociologic history of the Zuñi Pueblos, &c., seeming to indicate that during the periods of the horticultural hamlets (third of the above) and cliff villages (fourth of the above) agnatic institutions, owing their origin to the segregation of the enatic clan ties or kins of the lava village period (second of the above), began to be developed Although the original enatic institutions (never thoroughly outgrown) seem to have been reverted to on the resumption of communal village life (fifth and sixth of the above), still he finds what he regards as survivals of the other and higher social condition. For example, the brothers of a woman are no longer known as the "fathers" of her children, although more anciently they had been, as language shows, thus considered; while the brothers of a man are called the "lesser fathers" of his children. Again, a child is considered as the property of both the father and the mother gens, and marriage in the father clan, although not forbidden, is discouraged, and rarely if ever takes place. In this order may also be placed the father feasts, when children assemble to eat with their fathers and in their fathers' houses at the beginning of the year. Further evidence in the customs of inheritance, which in some curious ways vary from purely enatic institutions of descent, might be adduced as sur-

vivals, judging by all which Mr. Cushing considers the Zuñi to be intermediate between savage and barbaric stages of culture, yet retaining distinctly the cultus of savagery in their social condition and in a large phase of their worship.

Early in March it was found expedient to recall Mr. Cushing to Washington. This prevented his initiation into the Kâ-Kâ. Still, by virtue of his membership in the Priesthood of the Bow, he was permitted, before leaving, to be present at the initiation of other candidates and to hear the protracted recital heretofore referred to by him (but unaptly, he now thinks) as the "Zuñi Iliad" This remarkable recitation, while in classic and metric and not unpoetic language, is, he learned, a true ritual. It gives many mythic details, stating the names of probably all the villages and resting places of the Zuñi during their pristine migrations, and also the names of the whole council of gods of the Kâ-Kâ. It is, however, couched in such jargonistic or archaic terms, so rapidly delivered and so extended (requiring more than six hours for its delivery) that he found it impossible to record it or even to write verbatim the several shorter, though not less remarkable, rituals which followed it. The value of these rituals and the songs illustrating them—most of which it is incumbent on a member to memorize—will explain Mr. Cushing's long cherished desire to enter the Kâ-Kâ. He regards them, unvaried as they are from generation to generation, not only as important contributions to unwritten American Indian literature, but also essential to the right understanding of early Zuñi migrations and mythology.

LINGUISTIC FIELD WORK.

WORK OF MRS. E. A. SMITH.

During the summer of 1883 Mrs. Erminnie A. Smith continued her Iroquois investigations, taking up as a special study the Oneida and their dialect. To accomplish this the localities occupied by them in New York State and their reservations at Green Bay, Canada, were visited by her and a complete chrestomathy of the dialect was prepared.

WORK OF MR. H. W. HENSHAW.

During the months of October and November, 1883, Mr. Henry W. Henshaw was occupied in linguistic researches in Nevada and California.

The Washo tribe was found to number about three hundred, with its center in the neighborhood of Carson, Nev., and a vocabulary of the language was obtained according to the method prescribed in the Introduction to the Study of Indian Languages. From the fragmentary vocabularies of this tongue before accessible the Washo had been supposed to be the sole representative of a linguistic stock, a supposition which the present vocabulary sustains.

The Panamint Indians, whose language had before been unknown, were then visited and a similar vocabulary was obtained. From it, this tribe is ascertained to belong to the Shoshonian stock of languages.

Notwithstanding the popular belief that the Panamint tribe is on the verge of extinction, a census obtained from an intelligent English-speaking woman of the tribe shows their number, by actual count of individuals known to her, to be 106, there being in her opinion about 50 more with whom she was unacquainted, making a total of about 156.

These Indians live about the various mining camps and towns in the neighborhood of Death and Panamint Valleys, Inyo County, California. Their tribal cohesion is lost and their lives are parasitic, mainly dependent upon the bounty of the white citizens. Their ultimate extinction therefore seems impending.

WORK OF DR. WASHINGTON MATTHEWS, U. S. A.

Dr. Washington Matthews, assistant surgeon U. S. A., while on military duty at Fort Wingate, New Mexico, continued during the entire year his collection of material for a grammar and dictionary of the Navajo language, and also obtained information, for future publication, regarding the ceremonies, myths, and folk lore of that tribe. An important paper was prepared

by him on the "Navajo names for plants," showing their mode of discrimination and classification of the flora of their region.

WORK OF MR. JEREMIAH CURTIN.

On September 1, 1883, Mr. Jeremiah Curtin went to the Cattaraugus Reservation, New York, where he collected about one hundred and seventy myths and some texts. Many of these myths are long and were written out with full details. The collection is valuable from its accuracy and completeness. From Cattaraugus Mr. Curtin went to the Indian Territory, where he collected myths till June 30, 1884. The whole number obtained during the year was about four hundred, of which seventy-five were Modoc and the remainder Yuchi, Pottawatomi, Sak, Shawnee, and Seneca. Vocabularies of the Yuchi and Pottawatomi languages were also collected.

WORK OF DR. W. J. HOFFMAN.

Dr. W. J. Hoffman, in the autumn of 1883, visited the Ottawa, Ojibwa, and Pottawatomi Indians of Northern Michigan and the Sisseton and Mdewakantanwan bands of Dakota in Minnesota and Dakota, with special reference to the study of pictographs and gesture signs, and collected additional material.

OFFICE WORK.

The collection and examination of materials for future publications considered to be fundamental to the study of Indian anthropology continued to engage the attention of the Director and other officers of the Bureau. These projected publications are: (1) A series of charts showing the habitat of all tribes when first met by Europeans and at subsequent eras; (2) a dictionary of tribal synonomy, which should refer the multiplied and confusing titles, as given in literature and in varying usage, to a correct and systematic standard of nomenclature; (3) a classification, on a linguistic basis, of all the known Indians of North America, surviving and extinct, into families or stocks.

The importance of this undertaking, the manner in which it is being executed, and the difficulties attending it were detailed in the last annual report. It was also there explained that the determination and classification of the linguistic families and stocks is an indispensable preliminary in this work.

Col. Garrick Mallery continued to be engaged during the year in the study of sign language among the North American Indians compared with that among other peoples and among deaf mutes—or, more generally, the gesture speech of man—with the purpose of publishing a monograph on that subject. He also prepared a paper on the pictographs of the North American Indians, designed to be an introduction to the study of pictographs which has been published in the Fourth Annual Report of the Bureau. In the whole of this work he was assisted, particularly in the illustrations, by Dr. W. J. Hoffman.

Mrs. Erminnie A. Smith, on returning from the field, was engaged upon special studies in several Iroquoian dialects. The Mohawk words previously translated from the dictionary of Father Marcoux were all recopied and their literal meanings were given, as were also over 6,000 words in the Tuscarora dialect.

She also prepared several studies upon pronouns and other parts of speech for use in the introduction to her Iroquoian Dictionary, work upon which was continued.

Rev. J. Owen Dorsey was engaged during the year on an English-Winnebago vocabulary; a Kwapa-English vocabulary; Osage and Kansa texts, local and personal names; and the social organization of the Dakota. A paper on Kansa mourning and war customs, with charts, was prepared; also, one on the migrations of Siouan tribes, with a map and charts. He examined and criticised a manuscript dictionary of the Musquito language. He also made 3,552 entries for an Osage-English Dictionary, 4,970 entries for a Kansa-English Dictionary, and over 9,000 entries (from A to Ma) for a ɸegiha-English Dictionary.

Mr. Albert S. Gatschet was engaged during the first months of the fiscal year in reading proof of his Klamath Dic-

tionary, being the second or English-Klamath part. Afterwards he began to correct and largely rewrite the manuscript of the Klamath Grammar, with great improvements derived from the copious notes which he had made during the printing of the texts and the dictionary. At the close of the year portions of the manuscript had been revised and the proof was corrected.

Mr. Frank Hamilton Cushing, on returning to Washington early in May, prepared a paper on Pueblo pottery as illustrative of Zuñi culture growth, which was published in the Fourth Annual Report of the Bureau.

He also prepared a paper on the Ancient Province of Cibola and the Seven Lost Cities, in which he not only identifies conclusively the "seven cities" with seven ruins in the Zuñi Valley, but also furnishes examples of the permanence of Indian tradition, and of its value, when properly weighed, as a factor in ethnographic and historic research.

Mr. Cushing reports as the most important results of his studies during the year those relating to the myths and folk tales abundantly recorded by him during previous years. By extended comparisons made between these folk tales and myths and by the use of etymologic checks and suggestions, he is able to trace the growth of mere ideas, or of primitive conceptions of natural or biotic phenomena, of physical or animal functions, into the personæ on the one hand and the incidents on the other which go to make up myths. Further, he traces the influence of these realizations or formulations on the worship of the Zuñi. Two examples are presented, as follows:

(1) The circle or halo around the sun is supposed to be and is called by the Zuñi the House of the Sun-God. This Mr. Cushing explains by the analogies of the case. A man seeks shelter on the approach of a rainstorm. As the sun circle almost invariably appears only with the coming of a storm, the Sun, like his child, the man, seeks shelter in his house, which the circle has thus come to be.

The influence of this simple inference myth on the folk lore of the Zuñi shows itself in the perpetuation, until within recent

generations, of the round sun towers and circular estufas so intimately associated with sun worship, yet which were at first but survivals of the round medicine lodge.

(2) The rainbow is a deified animal having the attributes of a human being, yet also the body and some of the functions of a measuring worm. Obviously, the striped back and arched attitude of the measuring worm, its sudden appearance and disappearance among the leaves of the plants which it inhabits, are the analogies on which this personification is based. As the measuring worm consumes the herbage of the plants and causes them to dry up, so the rainbow, which appears only after rains, is supposed to cause a cessation of rains, consequently to be the originator of droughts, under the influence of which latter plants parch and wither away as they do under the ravages of the measuring worms. Here it will be seen that the visible phenomenon called the rainbow gets by analogy the personality of the measuring worm, while from the measuring worm in turn the rainbow gets its functions as a god. Of this the cessation of rain on the appearance of the rainbow is adduced as proof, and the incidents of the myth history of the rainbow gods are, as might be shown by additional illustration, but further dramatizations of these functions of the measuring worm. So much indeed is this the case that the fading of flowers is attributed to the rainbow, who, consuming their imperceptible existences, thus derives his brilliant coloring just as it is believed that the measuring worm gets his green, yellow, and red stripes from the leaves and flowers which he devours. The influence of all this analogic philosophy is shown in the Zuñi theogony and worship by the way in which the rainbow is relegated to a place among the malignant gods of war—hence painted on war shields—and made a demon to be propitiated, yet shunned. Therefore he is unhonored in the worship of the Zuñi, turned from by them when he appears in the sky, and covertly imprecated in set formulæ.

The general conclusions from these examples may be that in folk myths natural phenomena become personified, mostly by visible analogy, while functions become dramatized, but

that the reverse may sometimes be the case, and both to a far more elaborate and complex extent than can here be illustrated by quotations from Mr. Cushing's abundant yet unfinished notes.

Mr. JAMES C. PILLING continued the preparation of the Linguistic Bibliography, and proof-sheets of pages 561–1040 were received from the printer. Copies of these sheets were distributed as heretofore, and much assistance was rendered by Señor Joaquin Garcia Icazbalceta, of the City of Mexico, and Drs. J. Hammond Trumbull, of Hartford, Conn., J. G. Shea, of Elizabeth, N. J., and D. G. Brinton, of Media, Pa.

During November and December, 1883, Mr. Pilling made a trip to Hartford for the purpose of visiting the library of Dr. Trumbull, where a number of new titles and much interesting information were obtained. On his way to Washington a very profitable week was spent in the library of Dr. Brinton. The valuable linguistic material relating to that portion of North America lying south of the United States which had been collected with much labor by Dr. Berendt had fallen, by purchase, into the hands of Dr. Brinton, and proved to be one of the richest of the repertories utilized by the compiler of the work.

Mr. CHARLES C. ROYCE continued his work upon the Historical Atlas of Indian Affairs, the character of which has been set forth in former reports and also appears in the introductory pages of his paper on the "Cherokee Nation of Indians" in the present volume.

Mr. WILLIAM H. HOLMES, in addition to his charge of the preparation of illustrations for the publications of the Bureau, has continued the archæologic studies begun in previous years, confining his investigations more especially to ceramic art and ornament.

In the latter part of 1884 he was assigned to the duty of preparing an ethnologic and archæologic exhibit for the World's Industrial Exposition at New Orleans. This work was supplemented by the preparation of minor displays for the expositions at Cincinnati and Louisville.

Mr. Holmes has had charge of such collections of the Bureau as were not under the direct supervision of Mr. James Stevenson or Prof. Cyrus Thomas. Detailed catalogues of these collections have not been prepared for publication, but a short list of the acquisitions of the year is as follows:

From Mr. George Hurlbut, of Belvidere, Ill., an additional part of a very valuable collection of articles from the ancient burial places of Peru has been received. A portion of the same collection was presented to the Bureau in 1882, and was described, and to some extent illustrated, in the Third Annual Report of the Bureau. This second installment comprises a variety of utensils and art products of the ancient peoples, the most important being a series of woven fabrics of elaborate construction, rich colors, and elegant designs. Illustrations of these will be published. Gifts of shell beads found in the possession of the Abnaki Indians, of Maine, were made by Mrs. W. W. Brown, of Calais, Me. Fragments of ancient pottery were presented by Mr. Joseph D. McGuire, of Ellicott City, Md., and a large amount of material has been brought in from various sections of the country by the agents of the Bureau. The most important of these is a large collection of vases and other articles from the Pueblo of Acoma, New Mexico.

Messrs. Victor and Cosmos Mindeleff, after their return from the field, were occupied in the preparation of a map of the Cañon de Chelly and its branches from the material obtained. A number of the plans of the larger ruins, whose positions and relations to the cañon are shown on this map, were redrawn from the field data. While this work was being done and the field notes and material were being arranged and classified, the work of modeling the Tusayan villages, which had been suspended for the field trip, was again taken up by Mr. Cosmos Mindeleff and continued until June, when all other work was laid aside for the preparation of the diagrams and working drawings necessary for the construction of a new series of models illustrating the ancient pueblos and cliff ruins. These models formed part of the Government exhibit at the New Orleans Exposition.

Prof. CYRUS THOMAS, in addition to the general direction of the mound explorations described under the head of field work, was personally engaged in marking and arranging the collections obtained and in preparing catalogues of them for the Bureau and the National Museum.

The system of cataloguing adopted has been carried out with accuracy. Archæologists may therefore rely with confidence on the statements in these catalogues, as care has been taken, wherever there exists any doubt as to the locality where or conditions under which a specimen was found, to expressly state the fact. These catalogues are not intended for publication, but will be retained in the National Museum for reference.

The collections and the arrangement of data for an archæologic map of the eastern half of the United States were begun during the year and some progress was made. The paper on "Burial mounds of the northern sections of the United States," published in the present volume, was also substantially completed.

Dr. H. C. YARROW continued research and correspondence for a monograph on the mortuary customs of the North American Indians, and arrangements were made to enhance its value by his personal expeditions in the field.

Mr. JEREMIAH CURTIN, during the months of July and August, before his departure for the field, continued his studies upon Seneca folk lore and the linguistic material in his charge.

ACCOMPANYING PAPERS.

The papers presented in the present volume exhibit studies in several fields of research. A large amount of space is devoted to prehistoric archæology, but no less attention is given to definite history as ascertained from records, literature, and reliable tradition, while the special treatises and incidental discussions connected with mythology and sociology offer, probably, more popular interest. Separate mention of the several papers follows in their printed order.

BURIAL MOUNDS OF THE NORTHERN SECTIONS OF THE UNITED STATES, BY PROF. CYRUS THOMAS.

Throughout a large part of the territory now embraced in the United States several varieties of workings upon and immediately beneath the surface of the earth are found which were made by the population existing at the time of the European occupation or prior thereto. For the moment it is not necessary to inquire whether the works mentioned were all made before the Columbian discovery or whether some of them are not much later; or, again, whether their authors were confined to the tribes, variously and loosely styled "aboriginal" and "Indian," which were found within the region by its first white explorers, or whether they are to be attributed to a people more ancient than the historic Indian. Considering, for the present, the works themselves, several of their varieties, such as the pyramidal mounds and raised inclosures, sometimes apparently erected for defensive purposes, others being more probably mere ruins of village sites, give evidence of the numbers, distribution, and, to some extent, of the habits and the stage in culture of their builders. But the mounds raised in connection with the burial of the dead are far more important than all others. They indicate, both by their modes of construction and by their contents, the sociology, philosophy, and art of their authors. The nearly universal custom of depositing with the corpses or skeletons articles of property formerly belonging to the deceased, and other objects of ceremonial relation, with such care that some of them are still preserved, now enables us to gather from the sepulcher a life history of the persons buried and of those who paid to them the funeral rites.

The present paper, by Professor Thomas, is devoted to the last mentioned class of mounds, in connection with which, however, it has been necessary for him to discuss other classes in the investigation of evidentiary and illustrative details. The paper shows the large amount of work done by the division of mound exploration of the Bureau, both in the collection of facts and in their comparison. It also exhibits the fruitful results of the general study of all varieties of mounds, as well as the

more restricted field of those connected with burial. In the presentation of his views Professor Thomas exhibits care, candor, and accuracy, and the illustrations presented are amply sufficient to explain the text when needed, while the quotations from and references to the literature of the subject impress the reader with a sense of its thorough study.

The paper, from considerations relating both to space and to the completeness of research, does not embrace all of the territory of the United States in which burial mounds have been found, but is confined to the northern portion. This is divided into districts, established from typical characteristics, which are described. They are—

(1) The Wisconsin District, comprising the southern half of Wisconsin, a small portion of Northern Illinois, and the northeastern corner of Iowa.

(2) The Illinois or Upper Mississippi District, embracing Eastern Iowa, Northeastern Missouri, and Northern and Central Illinois.

(3) The Ohio District, including Ohio, the western part of West Virginia, and the eastern part of Indiana.

(4) The New York District, including, together with the northern and western parts of New York, the lake region of its central portion.

(5) The Appalachian District, comprising Western North Carolina, Eastern Tennessee, Southwestern Virginia, and part of Southeastern Kentucky.

The method of reasoning pursued by Professor Thomas, after his presentation of facts, may be illustrated by a condensation of his conclusions respecting the Wisconsin District, as follows:

The evidence in regard to these unstratified mounds appears to lead directly to the conclusion that they are all the work of the Indians (or of their ancestors) found occupying the country at the time it was first visited by whites. If it is conceded that the small unstratified tumuli are in part their work, there would seem to be no escape from the conclusion that all the burial mounds of this district are to be ascribed to them; for, although there are two or three types of

burial and of burial mounds, the gradation from one to the other is so complete as to leave no marked line of distinction. The stratified mounds in which the hard clay or mortar covering over the remains is found may be the work of tribes different from those which constructed the small unstratified tumuli, but the distinctions between the two classes are not such as to justify the belief that they are to be attributed to a different race or to a people occupying a higher or widely different culture status.

Having reached this conclusion, it is necessary to take one step further in the same direction and ascribe the singular structure known as "effigy mounds" to the same people. The two classes of work are too intimately connected to admit of the supposition that the effigy mounds were built by one race or people and the conical tumuli by another.

The works of different tribes may frequently be found intermingled on areas over which successive waves of population have passed, but that one part of what is clearly a system is to be attributed to one people and the other part to another people is an hypothesis unworthy of serious consideration. The only possible explanations of the origin, object, or meaning of these singular structures are based, whether avowedly so or not, on the theory that they are of Indian origin.

The facts that the effigy mounds were not used as places of sepulture and that no cemeteries save the burial mounds are found in connection with them afford almost conclusive proof that the two, as a rule, must be attributed to the same people, that they belong to one system.

The vexed question Who were the mound builders? is properly stated as follows:

Were all the mounds and other pre-Columbian works explored in that portion of the United States east of the Rocky Mountains built by the Indians found in possession of this region at the time of its discovery and their ancestors, or are they in part to be attributed to other more advanced races or peoples, such as the Aztec, Toltec, Pueblo, or some lost race of which no historic mention exists?

After the presentation of much evidence, some of which, the product of recent explorations, is equally surprising and convincing, the general conclusions of the paper are submitted as follows:

First. That different sections were occupied by different mound building tribes, which, though belonging to much the same stage in the scale of culture, differed in most instances in habits and customs to a sufficient extent to mark, by their modes of burial, construction of their mounds, and their works of art, the boundaries of the respective areas occupied.

Second. That each tribe adopted several different modes of burial, depending, in all probability, to some extent upon the social condition, position, and occupation of the deceased.

Third. That the custom of removing the flesh before the final burial prevailed very extensively among the mound builders of the northern sections, the bones of the common people being often gathered together and cast in promiscuous heaps, over which mounds were built.

Fourth. That usually some kind of religious ceremony was performed at the burial, in which fire played a prominent part; but, notwithstanding the very common belief, there is no evidence whatever that human sacrifice was practiced.

Fifth. That there is nothing found in the mode of constructing these mounds, nor in the vestiges of art they contain, to indicate that their builders had reached a higher culture status than that attained by some of the Indian tribes found occupying the country at the time of the first arrival of Europeans.

Sixth. That the custom of erecting mounds over the dead continued to be practiced in several localities in post-Columbian times.

Seventh. That the character and condition of the ancient monuments and the relative uniformity in the culture status of the different tribes, shown by the works and the remains of art found in them, indicate that the mound building age could not have continued in this part of the continent longer than a thousand years, and hence that its commencement probably does not antedate the fifth or sixth century.

Nothing has been found connected with the mounds to sustain or justify the opinion, so frequently advanced, of their great antiquity. The calculations based upon the supposed age of trees growing on some of them are fast giving way before recent investigations in regard to the growth of forests, as it has been ascertained that the rings of trees are not a sure indication of age.

Eighth. That all the mounds which have been examined and carefully studied are to be attributed to the tribes found inhabiting this region and their ancestors.

A suggestion may perhaps be offered with regard to the seventh of the above propositions. Professor Thomas has fully established the conclusion that the mound building period continued into the historic period. He has overthrown the theory of the vast antiquity of a higher stage of culture antedating the Indian occupancy of the country, which theory has been widely accepted by careless thinkers and writers. In doing this he has rendered an inestimable service to the proper study of the Indian tribes. But an attempt to fix the duration or beginning of the mound building period is unadvisable in the absence of evidence not yet obtained and which may never be forthcoming.

It also may be suggested that there is not yet sufficient evidence to justify any decided view as to the routes by which the several Indian tribes reached their historic seats. Much of that which has been obtained is conflicting, and for the present it is not possible to arrive at sound and enduring conclusions.

THE CHEROKEE NATION OF INDIANS, BY CHARLES C. ROYCE.

The introductory part of this paper explains the plan and scope of the Historical Atlas of Indian Affairs upon which Mr. Royce has been for several years engaged. The body of the paper exhibits the method of the work as applied to the Cherokee Nation, as it is now officially styled by itself and recognized by the United States in the language of treaties and statutes, though in strictly scientific phraseology the people constituted a confederacy, their several towns being the tribal units.

The Cherokee appear more prominently and for a longer period in the treaties, state papers, and judicial decisions of the United States than any other body of Indians. For two hundred years, in wars, in councils, and in courts, they have been engaged in struggles involving their existence, and they are one of the few Indian peoples that have passed through such ordeals into present prosperity. Their history shows that when the improperly directed power of the white race did not absolutely prohibit their advance in civilization some such advance was always attained, and it was always resumed after interruption when possible. During thirty years after the treaty of 1791 they made such manifest strides towards civilization, both in herding and in husbandry, that at the end of that time their agent reported Government assistance to be no longer necessary or desirable, the people being perfectly competent to take care of themselves, and in 1827 they established a government, republican in form and satisfactory in its operation until paralyzed in 1830 by the hostile action of Georgia. Their forced removal in 1838 to the west of the Mississippi for a time diminished their numbers, impaired their confidence, and menaced their prosperity; yet five years later their energy and determination had exhibited renewed improvements, which continued until the war of the rebellion brought to them more desolation than to any other community. They were raided and sacked alternately by the forces of the United States and by those of the Confederacy and were divided among themselves into fighting factions. Their country became a waste, and in the few years of the war their numbers were reduced by at least one-third; yet to-day they are more prosperous than ever before and have probably a greater population than at any time since they have been known in history.

The essay commences with the first treaty, in 1785, concluded between the Cherokee and the United States, and after reciting the more important provisions it presents the historical data connected with its negotiation and the events leading thereto, followed by its results. This plan is pursued with regard to all treaties and the circumstances connected there-

with to the present date. In this manner attention is paid in an orderly sequence to the history-traditions, to De Soto's expedition, to the early contact with Virginia and Carolina colonists, to the territory and population at the period of the English settlement, to successive boundaries and cessions, and to the various controversies ensuing. Through the paper appear biographical notices, details of life in the years of the colonies and the infant republic, accounts of the trials and struggles produced by deportation and conflict, and statistics of fluctuating gains and losses, all of deep interest and importance. It is believed that the care and skill devoted by Mr. Royce to make the statement both accurate and comprehensive, fortifying it also by the citation of the best authorities, will render it valuable to statesmen, historians, and lawyers.

THE MOUNTAIN CHANT: A NAVAJO CEREMONY, BY DR. WASHINGTON MATTHEWS, U. S. A.

This paper is a most important contribution explanatory of the philosophy of the North American Indians. It gives in detail, as seen by a thoroughly equipped witness, one of the most illustrative of the ceremonies of the Navajo, a large body of Indians of the Athabascan linguistic stock now occupying a reservation which embraces parts of New Mexico and Arizona, though until a period commencing less than fifty years ago the range of these people extended much farther south. The essay is divided into (1) a translation, with incidental explanations of the myth on which the ceremonies are based, (2) the ceremonies themselves, including the mythologic sand paintings, and (3) the originals and translations of the songs and prayers used in the ceremonies, which all refer to the myth.

This myth exhibits the stage in mythologic philosophy in which zoötheism and physitheism are both represented. In it the phenomena of nature are the work of animal gods, but these gods are becoming anthropomorphic. A strong general resemblance appears between this myth and those recorded from Algonkian and Iroquoian sources, but it is presented by Dr. Matthews in a much more pure and accurate manner than those published by Schoolcraft and other oft-quoted authors.

It is given in the genuine Indian style and conception, without admixture of European interpretation and civilized gloss. For this reason, as well as from its intrinsic value, it is certain that henceforth the story of Dsilyi' Neyáni (Reared Within the Mountains) will be studied with more interest and profit than those of Iouskeka and Manabozho, hitherto most current in the literature of Indian myths. Throughout the paper Dr. Matthews has followed the alphabet for Indian words used in the Bureau of Ethnology and explained in the Introduction to the Study of Indian Languages.

In its briefest expression the myth of Dsilyi' Neyáni shows his captivity among the Ute, his escape by the intervention of gods, and his travels, sufferings, and adventures in regaining his home, all of which, under divine guidance, were in the nature of an initiation into religious rites, with the injunction that these should be communicated by him to his people. Shortly after his return, having performed his duty as teacher or prophet, he disappeared to rejoin the gods, in accordance with their promise made to him during his initiatory travels. It would be impossible, without elaborating a commentary upon the text nearly equaling it in length, to point out the numerous essential similarities to be found in it with the myths of the Egyptians, the Hindus, the Greeks, and other still better known peoples, as recorded and discussed in modern literature. It is sufficient now to invite attention to the instructive evidence of similarity in the stage of mythologic philosophy coming from a before unexplored source and only modified by the readily understood differences of environment.

That the myth is of great antiquity is shown by the archaic character of the language employed and by the references to obsolete customs; yet there are contained in it some passages and incidents obviously modern, for instance, the allusion to horses. It is not a cosmogony myth, though it is partly a myth of tribal history commencing at a time when the Navajo had become a distinct people; but it is in a large degree a myth of religion, in the strict sense of that term as comprehending the relations of man to occult powers and the practices connected

with such relations. The Navajo have an entirely distinct creation myth, which is long and elaborate and which Dr. Matthews has obtained and will publish hereafter.

The ceremonial, lasting nine days, is one of many among the Navajo, seventeen, each of nine days' duration, being known to survive. This people, like other bodies of North American Indians, devote their winters to religion, mysticism, and symbolism, by which their whole lives and thoughts are imbued to an extent difficult to realize in modern civilization. This ceremony dramatizes the myth, with rigorously prescribed paraphernalia and formularies, with picturesque dances and shows, scenic effects, and skillful thaumaturgic jugglery. It is noticeable also that here the true popular drama is found in the actual process of evolution from religious mysteries or miracle plays, as has been its history in other lands and among other races. The ceremonies are presented by Dr. Matthews with admirable precision of observation and statement, to which he adds his sketches, furnishing the illustrations of the sand pictures, the production, manipulation, and destruction of which form the most peculiar portions of the ceremonial. It is to be remarked that the shaman has become the professional and paid artist and stage manager, under whom is gathered a traveling corps of histrions and scenic experts.

The parts of the ceremonial immediately connected with the cure of disease, particularly the application of the pigments constituting the bodies of the mythic personages, afford evidence additional to former knowledge of the origination of medical practices.

The medicine man is an important functionary among all the tribes of North America and medicine practices constitute an important element in the daily life of the Indian tribe. But medicine practices cannot be differentiated from religious rites and observances. The doctor is the priest and the priest is the doctor; the medicine man is priest-doctor.

In studying the medicine practices of the North American Indians from the standpoint of medicine, the subject may be advantageously considered in three parts: First, an effort

should be made to discover the Indian's idea or conception of disease, i. e., what is Indian pathology? Second, an attempt should be made to discover the Indian method of curing or avoiding diseases, i. e., what is Indian therapeutics? And, third, an effort should be made to discover what knowledge the Indian has of the medicinal properties of minerals, plants, and other remedial agencies, i. e., what is the Indian materia medica? In systematically examining the subject among various tribes of North America and in reading the literature of the subject, the following general conclusions are reached:

First. The Indian's pathology is largely, if not wholly, mythologic. Diseases are attributed to evil beings, the malign influence of enemies, and to various occult agencies. Second. Indian remedies are largely, if not wholly, magical, and constitute an integral part of their religion. This paper by Dr. Matthews clearly illustrates this point and derives special value therefrom. Third. Various tribes of Indians seem to have a knowledge of certain medical properties in certain plants, i. e., they know of emetics, purgatives, and intoxicants; but they do not seem to use this knowledge in any reasonable system of remedies. Purgatives, emetics, and intoxicants are used more frequently by the priest than by the patient, and still more frequently by the clan or by bodies of persons engaged in the performance of rites which are rather of a religious nature, but which are yet designed to ward off disease or to cure those actually suffering; but no rational system of medicine has been discovered and authentically described as existing in any North American tribe. On these subjects a large body of material has been collected by the Director and other officers in the Bureau, which, when properly systematized and published, will shed much light upon the subject.

In the details set forth in the present paper numerous practices—for instance the incantation to images, the sacred fumigation or incense, and the supposed absorption of the body of divinity by the patient or devotee—are analogous to observances of the same description—intended for physical or spirit-

ual benefit, or for both—still in use by many nations and individuals throughout the world whose philosophies cannot be traced to a more common origin with those of the Navajo than the general principles governing the evolution of human thought by graded stages. All who practice these observances declare them to have descended to them from above, that is, from some concept of divinity, as may be explained by the principle of ancientism; but the evidence shows that they all have arrived from below, that is, from a lower plane of humanity.

THE SEMINOLE INDIANS OF FLORIDA, BY CLAY MACCAULEY.

The Indians known as Seminole are of the Muskokian linguistic stock who before the present century left their congeners and dwelt within the present limits of Georgia and Florida. A chief cause of the separation was disagreement among the people of the towns of the Lower Creeks and Hichiti concerning their relations with Europeans settling in the country. It is asserted that many turbulent and criminal Indians joined the emigrants, and thus the word "Seminole" or "Simanólë"—meaning separatist or renegade—became a term of opprobrium applied by the Creeks who had remained in their ancient seats. It is however to be noted that the present inhabitants of the Everglades repudiate the title and cast it back upon the much larger portion of their people now in the Indian Territory, thus impugning their courage and steadfastness, probably in allusion to the fact that the latter succumbed to the power of the United States in their deportation. The Apalachi, Timucua, and others of the earliest known inhabitants of the Floridian peninsula had been driven away and nearly exterminated in the wars of 1702 to 1708, leaving an immense tract of territory vacant for the Seminole migration, and some of the Muskoki were established in the southernmost part of the peninsula at the middle of the sixteenth century. Probably the people who are the subject of this paper are in part their descendants, while others may be descended from comers of a century later, but they are probably all the offspring of the determined band who, though

defeated in war, would never submit to the Government of the United States, but retreated to the inaccessible cypress swamps, while the majority of their surviving comrades removed to the Indian Territory, another body having fled into Mexico. The Seminole war of 1835 to 1842 was the most stubbornly contested of all the Indian wars, and, considering the numerical force of the tribe, or perhaps even without that qualification, was the most costly and disastrous to the United States. During the seven years mentioned nearly every regiment of the regular army was engaged against them, besides marines and sailors, and in addition, for longer or shorter periods, 50,000 militia and volunteers. The cost of the war was $30,000,000 and over 3,000 lives. Of the Seminole probably not more than 400 warriors were engaged, their numerical weakness being counterbalanced by the topographic character of the country which they defended.

The Seminole, who are described in the present paper as of a high grade in physique and intelligence, may well be descendants of these heroes. It was natural that their inherited enmity and also their sense of danger should have induced them during the last half century to repel all visits from whites, and more especially from representatives of the United States Government. Their dwellings and villages have been so located as to secure this isolation, and the account now given of them by the Rev. Clay MacCauley, D. D., is the result of the first successful attempt to ascertain their true numbers and condition. Notwithstanding his ingenuity and energy, the adverse circumstances did not permit this investigation to be exhaustive; but it has been sufficient to discover some important and instructive facts set forth in the present essay.

The status of these Indians is peculiar in that their contact with civilization has hitherto been regulated, to an extent not known elsewhere, by their own volition, and has not been imposed upon them. Visitors, traders, and Government agents have been denied admission, but the Indians have in a limited way visited the settlements beyond their own boundaries and traded there. The result has been a remarkably prosper-

ous condition in agriculture and domestic industries. This is not to be attributed wholly to the favorable character of their soil and climate, as under similar environment many peoples are lazy and improvident, whereas the Seminole of Florida are industrious and frugal. That they have advanced in culture during the last generation is doubtless true, but it is a common and pernicious error to consider the Indian tribes at the time of the Columbian discovery as wholly without knowledge of agriculture, depending solely on the chase, fishing, and the spontaneous products of the earth. This error is a part of the feræ naturæ theory which has been so baneful in the past consideration of the aboriginal inhabitants. No radical change was necessary for the greater portion of the Indian tribes to become self supporting by the industries classed as civilized, provided that their treatment had been rational and in accordance with the slow but certain operations of nature. Throughout the continent generally the pressure of the white settlers did not allow of the necessary delay, but here it was obtained. The advance of the Seminole has been practically without European instruction, the efforts of the Spanish missionaries of the seventeenth century having only left some traces of interpolation in their myths. They have adopted from European civilization some weapons, implements, and fabrics and have shown their capacity for imitation and adaptation; but their progress toward civilization has been their own work in the orderly course of evolution, and is therefore instructive.

THE RELIGIOUS LIFE OF THE ZUÑI CHILD, BY MRS. TILLY E. STEVENSON.

During each of the years commencing with 1878, Mrs. Stevenson has spent some time among the Zuñi, and four whole field seasons were devoted by her to observation and study among that people Her researches were mainly among the women of the tribe and directed to the understanding of domestic life. Women among the Zuñi have charge of rites and observances in which the men have no participation and of which they have no direct knowledge; therefore no male in-

vestigator, whose relations in respect to the religious orders and ceremonies must be exclusively with the men, can become acquainted with the peculiar beliefs and rituals among the women. The work of Mrs. Stevenson, therefore, is complementary to that of Mr. Cushing, which has before been reported. Her observation upon the public ceremonies and mythology as known to both sexes has also been independent of Mr. Cushing and made from a different point of view; therefore her contribution upon them has an especial value.

Mrs. Stevenson has divided her voluminous notes respecting Zuñi child life into two parts: one, the practical or domestic, embraces the habits, customs, games, and experiences of the children; the other, the religious instruction and observances connected with childhood. The last mentioned division is the subject of her paper in this volume. It is introduced by a brief notice of the mythology connected with the rites described and by an account of the topography and natural features to which references appear in the myths

The devotion of the Zuñi to religious practices, in which their time, labor, and property are so deeply absorbed, has before been reported, but Mrs. Stevenson presents with conscientious accuracy many new details. Among these details the student of comparative mythology will notice several parallels with the practices of other lands and periods of history, and some of these will strike even those less erudite in comparative mythology, who still are familiar with classical literature. One of these is the painful whipping of the young children on the occasion of an important rite, perhaps in its origin designed to secure its impression on their memory, as in some ancient European practices for the perpetuation of testimony. Another is the whipping by ceremonial ministrants of persons wholly unconnected with the immediate rites, and at the request of the latter, to obtain the realization of a wish, and more especially for fertility, which was an important element in the Lupercalia, perhaps the oldest of all the Roman rites. The vestal virgins of Roman and of other religions are suggested by the selection of maidens among the Zuñi initiated into sacred

orders and charged with special duties on the condition that they shall remain unmarried.

In the details of the ceremonies described, as well as in their dominant conception, there is an obvious similarity to some current practices among Christian peoples.

The Zuñi believe that in order to secure success and happiness each male child, before reaching the age of four years, must receive the sacred breath of supernatural beings. This is done by dramatic personation in an elaborate ceremony recurring every four years, and the most noticeable point is that the vows of the child are taken for him by sponsors, these vows to be renewed by the boy after attaining the age of discretion, opportunity for which is afforded by an annual ceremony.

The frequent appearance of the number four throughout these ceremonies is now well understood to originate among these Indians, as among others, in their personification of the winds blowing from the four cardinal points. The less frequent but still marked recurrence of the number nine, which is also specially noticeable in the Navajo myth in the present volume, has not hitherto been satisfactorily explained. From portions of Mrs. Stevenson's paper and from her yet unpublished notes it would seem to have some reference to the normal period of human gestation.

The primitive tribal state seems to have been organized for the regulation of the conduct of its members toward one another; that is, it is a civil organization proper, the purpose of which is to secure internal peace and co-operation. But the organization of the tribal state and the form of its government are always modified to a greater or less degree by two other considerations, which are potent agencies in forming the institutions of primitive societies. One concerns intertribal relations, and leads to the organization of society for the conduct of war; the other concerns the relations which exist, or are supposed to exist, between the people and invisible beings, and leads to the organization of society for religious purposes. On the civil organization there are always imposed a military and a religious organization, and the magistrate, the warrior, and the

priest are forever contending with one another for power, and the ideas or principles which these officers represent are ever in conflict with one another, and now one, now another, gains the ascendency.

Among the tribes of the United States which have been studied the civil organization is usually paramount; but among the Zuñi religion appears to dominate in such a manner that the priest-doctor, or "medicine man," as he has usually been termed, is superior in rank, authority, and influence; or, what is essentially the same, the priest is ex officio ruler in peace and leader in war. From this fact the study of the sociology of the Zuñi acquires great interest.

EXPENDITURES.

Classification of expenditures incurred during the fiscal year ending June 30, 1884.

Classification.	Amount expended.
A. Services	$33,788 10
B. Traveling expenses	1,776 71
C. Transportation of property	399 03
D. Field subsistence	625 70
E. Field supplies and expenses	512 88
F. Field material	506 25
G. Instruments	56 75
H. Laboratory material	.....
I. Photographic material	96 30
K. Books and maps	284 25
L. Stationery and drawing material	7 95
M. Illustrations for reports	174 00
N. Office rents	.....
O. Office furniture	55 00
P. Office supplies and repairs	6 70
Q. Storage	.....
R. Correspondence	14 53
S. Articles for distribution to Indians	.....
T. Specimens	1,593 86
Balance on hand to meet outstanding liabilities	101 99
Total	40,000 00

ACCOMPANYING PAPERS.

SMITHSONIAN INSTITUTION——BUREAU OF ETHNOLOGY.

BURIAL MOUNDS

OF THE

NORTHERN SECTIONS OF THE UNITED STATES.

BY

PROF. CYRUS THOMAS.

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BURIAL MOUNDS OF THE NORTHERN SECTIONS OF THE UNITED STATES.

By Cyrus Thomas, Ph. D.

INTRODUCTORY.

All the works of the mound-builders of our country are exceedingly interesting to the antiquarian and are valuable as illustrating the habits, customs, and condition of the people by whom they were formed, but the sepulchral tumuli surpass all others in importance in this respect. Although usually simple in form and conveying thereby no indications of the characteristics of the people by whom they were erected, yet when explored they reveal to us, by their internal structure and contents, more in regard to the habits, beliefs, and art of their authors than can be learned from all their other works combined. From them we are enabled to learn some traits of ethnical character. The gifts to, or property of, their dead deposited in these sepulchers illustrate their arts and customs and cast some rays of light into their homes and daily life, and the regard for their dead indicated by the remaining evidences of their modes of burial and sepulchral rites affords some glimpses of their religious beliefs and superstitions. The larger and more imposing works, as the pyramidal mounds, the enclosures, canals, etc., furnish indications of their character, condition, strength, and culture-status as a people or tribe, but the burial mounds and their contents, besides the evidences they furnish in regard to the religious belief and art of the builders, tell us something of individual traits, something of their social life, their tastes, their personal regard for each other, and even something of the diseases to which they were subject. What is still more important, the modes of burial and vestiges of art found with the dead furnish us undoubted evidences of tribal distinctions among the authors of these works, and, together with the differences in external form, enable us to determine in a general way the respective areas occupied by the different tribes or peoples during the mound-building age.

Judging by all the data so far obtained relating to the form, internal structure, and contents of these works, much of which has not yet been

published, we are perhaps warranted in concluding that the following districts or areas were occupied by different peoples or tribes. As a matter of course we can only designate these areas in general terms.

(1) The *Wisconsin district*, or area of the emblematic or effigy mounds. This embraces the southern half of Wisconsin, a small portion of the northern part of Illinois, and the extreme northeast corner of Iowa. The effigy or animal mounds form the distinguishing feature of the works of this district, but aside from these there are other features sufficient to separate the works of this section from those further south.

(2) The *Illinois* or *Upper Mississippi district*, embracing eastern Iowa, northeastern Missouri, and northern and central Illinois, as far south as the mouth of the Illinois River.

In this region the works are mostly simple conical tumuli of small or moderate size, found on the uplands, ridges, and bluffs as well as on the bottoms, and were evidently intended chiefly as depositories of the dead. They are further characterized by internal rude stone and wooden vaults or layers; by the scarcity of pottery vessels, the frequent occurrence of pipes, the presence of copper axes, and often a hard, mortar-like layer over the primary or original burial. The skeletons found are usually extended, though frequently in a sitting or squatting posture.

Walls and enclosures are of rare occurrence in this region.

(3) The *Ohio district*, including the State of Ohio, the western part of West Virginia, and the eastern portion of Indiana. Although the works of this region present some features which are common to those of the Gulf section, there are several peculiar characteristics which warrant us in designating it as a distinct district. Among other of these peculiar features we notice the great circles and squares of the enclosures, the long parallel lines of earthen walls, the so-called "altar mounds," or mounds containing structures chiefly of clay to which the name "altar" has been applied; the numerous carved stone pipes; the character of the pottery and the methods of burial.

(4) The *New York district*, confined chiefly to the northern and western parts of the State of New York, but including also the lake region of the central portion.

As the antiquities of this district have been shown by Squier to be chiefly due to the Indian tribes occupying that section at the time of its discovery by the Europeans, it is unnecessary to note the distinguishing characteristics. The works are chiefly enclosing walls, remains of palisades, and burial mounds.

(5) The *Appalachian district*, including western North Carolina, eastern Tennessee, southwestern Virginia, and part of southeastern Kentucky.

The characteristics which appear to warrant us in concluding that the works of this region pertain to a different people from those in the other districts, at the same time seem to show some relation to those of

the Ohio district. Such are the numerous stone pipes, the altar-like structures found in some of the mounds, and the presence of mica plates with the skeletons. But the peculiar features are the mode of burial, the absence of pottery, and the numerous polished celts and engraved shells found in the mounds.

Although it is probable that there are at least three districts in the southern portion of the United States, they appear to pass from one into the other by such slight changes in the character of the works as to render it exceedingly difficult to fix the boundaries between them. I therefore mention the following, provisionally, as being those indicated by the data so far obtained.

(6) The *Middle Mississippi area* or *Tennessee district*, including southeast Missouri, northern Arkansas, middle and western Tennessee, southern and western Kentucky, and southern Illinois. The works of the Wabash valley possibly belong also to this district, but the data obtained in regard to them are not sufficient to decide this point satisfactorily. This district, like the others of the south, is distinguished from the northern section by its larger mounds, many of which are pyramidal and truncated and often terraced, and which were, beyond question, used as domiciliary mounds. Here we also meet with repeated examples of enclosures though essentially different from those of Ohio; also ditches and canals. From the Lower Mississippi and Gulf districts, with which, as we have said, it is closely allied, it is distinguished chiefly by the presence of the box-shaped stone cists or coffins, by the small circular house-sites or hut-rings, and by the character of the pottery. This is pre-eminently the pottery region, the typical forms being the long-necked, gourd-shaped vase and the image-vessels. In this district the carved stone pipes are much less common than in the Illinois, Ohio, and Appalachian districts.

(7) The *Lower Mississippi district*, including the southern half of Arkansas, Louisiana, and Mississippi. There are no marked characteristics by which to distinguish it from the Middle district; in fact as we move southward along the Mississippi from the mouth of the Illinois river, the works and their contents indicate a succession of tribes differing but slightly in habits, customs, and modes of life, the river generally forming one natural boundary between them, but the other boundaries being arbitrary. For example, the Cahokia region appears to have been the home of a tribe from which at one time a colony pushed northward and settled for a while in Brown and Pike Counties, Illinois. The extreme southeastern counties of Missouri were probably the seat of another populous tribe which extended its borders into the western part of southern Illinois and slightly into northeast Arkansas, and closely resembled in customs and art the ancient people who occupied that part of the Cumberland valley in middle Tennessee. This subsection is principally distinguished by the presence of the small circular house-sites, which are slightly basin-shaped, with a low ring of earth

around them. As we move farther southward into Arkansas the house-sites change into low circular mounds, usually from 1 to 3 feet in height, and in nearly every instance containing a layer of clay (often burned) and ashes.

These small mounds, which are clearly shown to have been house-sites, were also burial places. It appears to have been a very common custom in this section to bury the dead in the floor, burn the dwelling over them, and cover the whole with dirt, the last operation often taking place while the embers were yet smouldering. Burial in graves was also practiced to a considerable extent. As we approach the Arkansas River, moving southward and from thence into Louisiana, the pottery shows a decided improvement in character and ornamentation.

(8) The *Gulf district*, including the Gulf States east of the Mississippi. The works of this section appear to be closely allied to those of the Lower Mississippi district, as here we also find the large flat-topped pyramidal mounds, enclosing walls, and surrounding ditches and canals.

The chief differences are to be found in the forms and ornamentation of the pottery and modes of burial.

As we approach the Mississippi River the distinguishing features gradually disappear, although there appears to be a distinct subdistrict in the northern part of Mississippi, and as we enter the Florida peninsula a change is observed which appears to indicate a different people, but the data so far obtained are not sufficient to enable us to outline the subdistricts.

This districting is to be regarded as a working hypothesis rather than as a settled conclusion which will stand the test of future investigations. It is more than likely that other subdivisions will be found necessary, and that the boundaries of some of the districts given will have to be more or less modified; still, I believe the arrangement will be found substantially correct.

As a very general and almost universal rule, mounds of the class under consideration are more or less conical in form, and are common to all sections where earthworks are known to exist, in fact they form almost the only ancient remains of some localities. Often they are isolated, with no other monuments near them, but more frequently they occur in groups or are associated with other works. Squier and Davis say "they are generally of considerable size, varying from 6 to 80 feet in height, but having an average of from 15 to 25 feet."[1]

This is probably true in regard to the mounds explored by these archæologists in Ohio, but is erroneous if applied generally; as very many, evidently used and intended as burying places only, are but two or three feet high, and so far as the more recent examinations made in other sections — especially the explorations carried on under the Bureau of Ethnology — have shown, tumuli of this character are usually from 3 to

[1] Ancient Monuments, p. 161.

10 feet high, though some, it is true, are of much larger dimensions; but these are the exceptions and not the rule.[1]

As the authors just alluded to are so frequently referred to by writers, and their statements in reference to the works explored by them are taken as of general application, I will venture to correct another statement made by them in regard to mounds of this character. They assert that "these mounds invariably cover a single skeleton (in very rare instances more than one, as in the case of the Grave Creek mound), which, at the time of its interment, was enveloped in bark or coarse matting or enclosed in a rude sarcophagus of timber, the traces, in some instances the very casts, of which remain. Occasionally the chamber of the dead is built of stone rudely laid up, without cement of any kind."[2]

I have investigated but few of the ancient works of Ohio personally, or through the assistants of the Bureau, hence I can only speak in regard to them from what has been published and from communications received, but judging from these, Messrs. Squier and Davis, while no doubt correctly describing the mounds explored by them, have been too hasty in drawing general conclusions.

That burial mounds in the northern sections very frequently cover but a single skeleton is true, but that this, even in this section, is universally true or that it is the general rule is a mistake, as will appear from what is shown hereafter. Nor will it apply as a rule to those of the southern sections.

To illustrate the character and construction of these mounds, and modes of burial in them, I will introduce here brief descriptions of the leading types found in the different northern districts heretofore mentioned, confining myself chiefly to the explorations made by the Bureau assistants.

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[1] It is somewhat strange that Rev. J. P. MacLean, who has long resided in Ohio and has studied the mounds and other works of the southern portion of that State with much care, should follow almost word for word this and the next statement of Squier and Davis (Mound-Builders, p. 50) and adopt them as his own, without modification or protest, when in the appendix containing his exceedingly valuable notes on the "Archæology of Butler County" nearly all the facts given bearing on these points show them to be incorrect.

[2] Ancient Monuments, p. 161.

BURIAL MOUNDS OF THE WISCONSIN DISTRICT.

Following the order of the geographical districts heretofore given, we commence with the Wisconsin section, or region of the effigy mounds.

As a general rule the burial mounds in this area are comparatively small, seldom exceeding 10 feet in height and generally ranging from 3 to 6 feet. In all cases these belong to that class of works usually denominated "simple conical tumuli."

Of the methods of construction and modes of burial there appear to be some two or three types, though not so different as necessarily to indicate different tribes or peoples. One of these is well represented in the following extract from Dr. I. A. Lapham's work describing some mounds opened by Dr. Hoy, near Racine:

> We excavated fourteen of the mounds, some with the greatest possible care. They are all sepulchral, of a uniform construction as represented in Fig. 1 [our Fig. 1.]

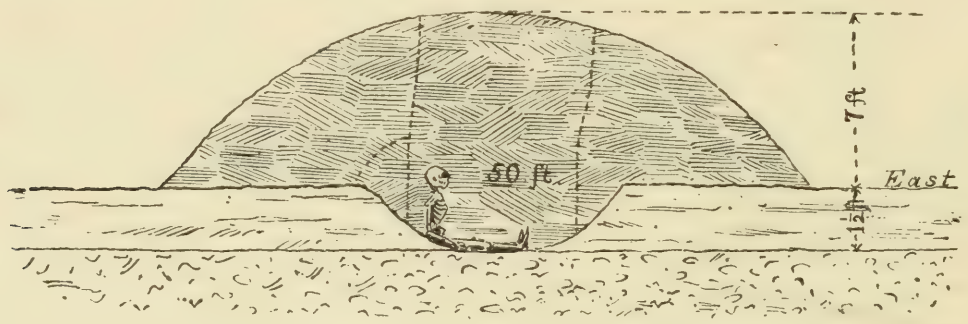


FIG. 1.—Section of mound near Racine, Wisconsin.

> Most of them contained more than one skeleton; in one instance we found no less than seven. We could detect no appearance of stratification, each mound having been built at one time and not by successive additions. During the investigations we obtained sufficient evidence to warrant me in the following conclusions. The bodies were regularly buried in a sitting or partly kneeling posture facing the east, with the legs placed under them. They were covered with a bark or log roofing over which the mound was built.[1]

In these a basin-shaped excavation some 2 or 3 feet deep was first made in the soil in which the bodies were deposited, as shown in Fig. 1.

Mr. Middleton, one of the Bureau assistants, in 1883, opened quite a number of small burial mounds in Crawford and Vernon counties, be-

[1] Antiquities of Wisconsin, p. 9.

longing to the same type as those just described; some with the excavation in the original soil in which the skeletons were deposited, though in others there were no such excavations, the skeletons being deposited on the original surface or at various depths in the mounds. I give here descriptions of a few of them from his notes:

The one numbered 16, of the Courtois group, is about 20 feet in diameter, and at present scarcely more than 1 foot high, the ground having been in cultivation for several years and the mound considerably lowered by the plow. A vertical section is given in Fig. 2, *a a*, indi-

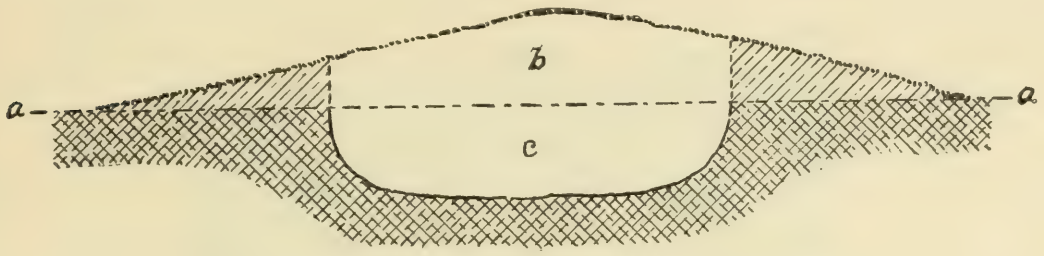


FIG. 2.—Section of burial mound, Vernon County, Wisconsin.

cating the natural surface of the ground, *b* the part of the mound removed, and *c* the original circular excavation in the natural soil to the depth of 2 feet.

Four skeletons were found in this excavation, two side by side near the center, with heads south, faces up, one near the north margin with head west, and the other on the south side with head east, all stretched at full length.

In another mound of the same group with a similar excavation nothing save a single skull was found. In another of exactly the same kind some of the skeletons were folded, while others were extended at full length.

In all these cases, and in a majority of the small burial mounds opened in this western part of the State, there was no stratification; still there were found some exceptions to this rule.

Vestiges of art were comparatively rare in them, yet here and there were found an arrow-point, a chipped flint scraper or celt—in some instances remarkably fine specimens—a few large copper gorgets, evidently hammered from native copper, copper beads, etc. Very few vessels of pottery were obtained from them, but one was discovered, shown in Fig. 3, which I believe is of the finest quality of this ware so far obtained from the mounds of the United States. There were intrusive burials in a few of these mounds, but these have been wholly omitted from consideration in the descriptions given.

In a few instances the mounds seem to have been built solely for the purpose of covering a confused mass of human bones gathered together after the flesh had disappeared or had been removed. Similar mounds

are described by Mr. Thomas Armstrong as found near Ripon, Fond du Lac County. Speaking of these, Mr. Armstrong says:

> As to how these bones came to be placed in these mounds, we can of course only conjecture; but from their want of arrangement, from the lack of ornaments and implements, and from their having been placed on the original surface, we are inclined to believe that the dry bones were gathered together — those in the large mounds first and those in the smaller ones afterwards — and placed in loose piles on the ground and the earth heaped over them until the mounds were formed.[1]

There can be no doubt that the bones in this case were gathered up from other temporary burial places or depositories, as was the custom of several tribes of Indians.

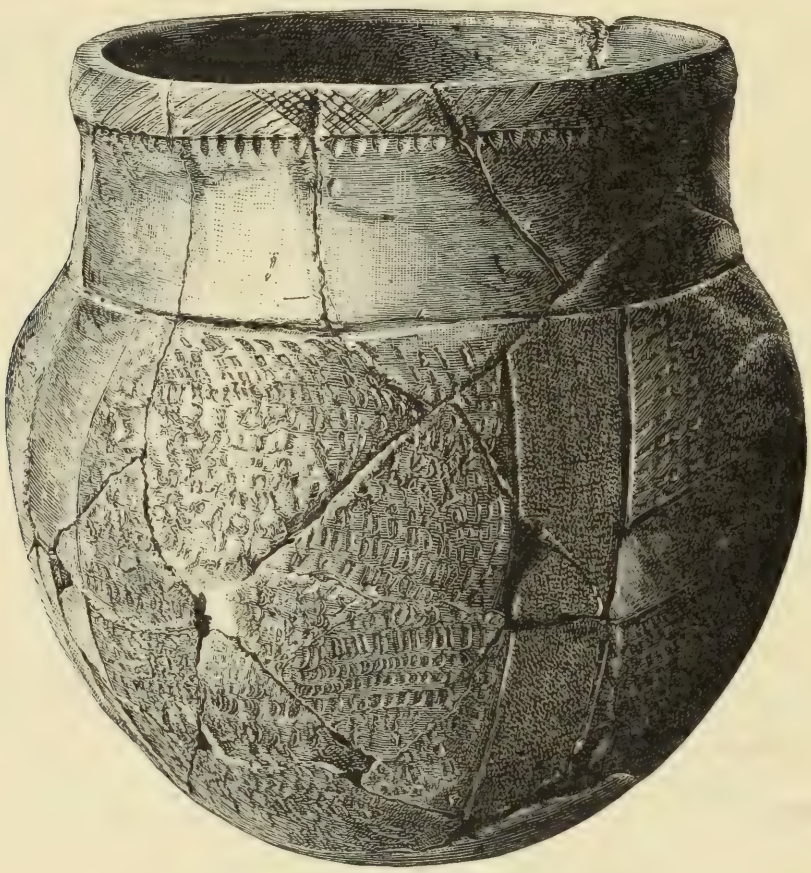


FIG. 3.—Earthen pot from Wisconsin mound.

A number of burial mounds opened by Mr. W. G. Anderson, near Madison, were found to be of the same general type as those mentioned by Mr. Middleton. These he describes as being very low and poorly made. Eight were opened, all having been built in the same way, with only one layer of black earth, so hard as to make the work of excavation exceedingly laborious. These were circular, and about 4 feet high. Skeletons were found as near as 12 or 13 inches to the surface, but badly decayed. There were no sarcophagi or coffins, and in all cases the heads pointed towards the west.[2]

[1] Smithsonian Report 1879, p. 337.

[2] Smithsonian Report 1879, p. 343.

In some instances the mound contained a circular stone wall, within which a pit had been dug to the depth of 2 or 3 feet in the original soil, as, for example, the one near Waukesha, described by Dr. Lapham.[1]

A mound in Crawford County, opened by Colonel Norris, one of the Bureau assistants, in 1882, shows a similar vault or pit, but differs from the preceding in being distinctly stratified and wanting the stone wall. The construction of this tumulus and the mode of burial in it were as follows:

Proceeding from the top downwards, there was first a layer of soil and sand about 1 foot thick; next, nearly 2 feet in depth of calcined human bones, without order, mingled with which were charcoal, ashes, and a reddish-brown mortar-like substance, burned as hard as pavement brick. This layer is numbered 4 in the annexed cut (Fig. 4), which

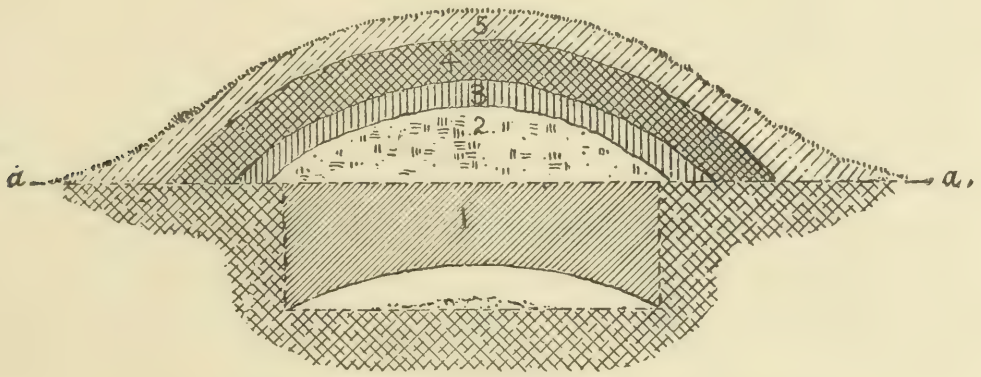


FIG. 4.—Section of burial mound, Crawford County, Wisconsin.

represents a vertical section of the mound. Immediately below this was a layer about 1 foot thick (No. 3) of clay or mortar mixed with sand, burned to a brick-red color. Below this, in the space marked 2 in the cut, were found the bones of fifteen or twenty individuals, in a confused heap, without order or arrangement. Mingled with these were fire-brands, charcoal, and ashes. The bones were charred, some of them to charcoal, and some were glazed with melted sand. The mass appears to have been first covered with soft clay-mortar, which ran into and filled the spaces, and the burning to have been done afterwards by means of brush or wood heaped on the top, as among the bones were lumps of hard burned clay.

The bottom of this layer corresponded with the original surface of the ground, but the excavation being continued, a circular vault or pit, 6 feet in diameter, was found extending downwards, with perpendicular sides, to the depth of nearly 3 feet. The bottom of this pit was covered to the depth of an inch with fine chocolate-colored dust. Although the filling of this pit was chiefly sand, there was a cavity at the bottom a foot high in the center, over which the sand filling was arched as shown in the figure.

[1] Antiquities of Wisconsin, p. 28.

It is evident that the skeletons in this mound were buried after the flesh had been removed, as we can on no other supposition explain the fact that the clay or mortar had filled the interstices between the bones, and that in some cases it had even penetrated into the skulls.

Another mound, opened by Colonel Norris in the same neighborhood, presented some peculiarities worthy of notice, although not sufficient to mark it as belonging to a distinct type.

According to his report, the southern portion had previously been explored by Judge Branson, who found at the base some six or eight skeletons lying stretched out horizontally, and covered by a dry, light-colored mortar which must have been spread over them while in a soft condition, as it had run between the bones and encased them, and in some cases, as in the mound just described, filled the skulls. As only the southern portion had been opened he removed the remainder. The dried mortar-like substance was very hard and difficult to dig through, but the pick soon struck some rough, flat limestone rocks which proved to be parts of a rude wall about 3 feet high and 8 feet long, built on the natural surface of the ground. In the opposite side of the mound, 12 feet distant from and parallel with it, was another similar wall. Between them and on the natural surface of the ground, side by side, were a number of skeletons lying flat and lengthwise and parallel with the walls. A vertical section of this mound is shown in Fig. 5. The lit-

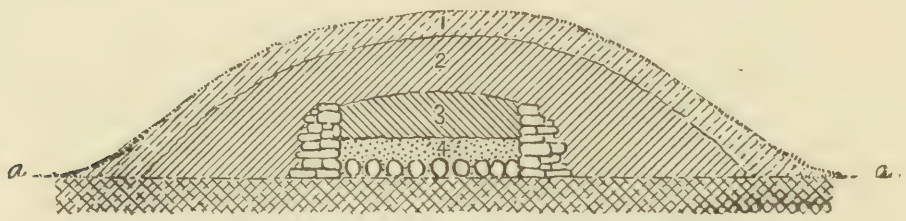


FIG. 5.—Section of burial mound, Crawford County, Wisconsin.

tle circles at the bottom between the walls indicate the heads of the skeletons; No. 4, the layer of mortar over the bones; 3, a layer of hard clay mixed with ashes; 2, a layer of clay; and 1, the top covering of sand and soil about 18 inches thick. Before being disturbed this mound was 35 feet in diameter and 6 feet high.

As it is evident that the burials in this case were made at one time, and as the mortar-like substance had run into the interstices, it is more than probable that the skeletons were deposited after the flesh had been removed.

The following description of a mound with a single original and several intrusive burials is also taken from Colonel Norris' notes of work in Crawford County:

One large mound of this group, 70 feet in diameter and 10 feet high, still unexplored, was opened. It had been considerably defaced, especially on the west side. According to tradition it was a noted burial place with the Indians, which was certainly confirmed by the result.

The surface or top layer was composed of sand and alluvial earth to the depth of some 3 or 4 feet. Scattered through this in almost every part of the mound were human skeletons in various stages of decay and in different positions, but mostly stretched horizontally on the back. Scattered among the remains were numerous fragments of blankets, clothing and human hair, 1 copper kettle of modern pattern, 3 copper bracelets (hammered from native copper), 1 silver locket, 10 silver bracelets (one having the name "Montreal," and another the letters "A B" stamped on it), 2 silver earrings, 6 silver brooches, 1 copper finger-ring, 1 double silver cross, 1 knife-handle, and 1 battered bullet. In fact the top layer to the depth of 3 or 4 feet seemed to be packed as full of skeletons and relics as possible.

Carrying the trench down to the original surface of the ground, he found at the bottom, near the center, a single skeleton of an adult in the last stages of decay. With it were the following articles: 2 stone scrapers, a small stone drill, fragments of river shells, and pieces of a mammoth tusk. The earth below the upper layer was mixed with clay and ashes, evidently different from the surrounding soil.

Several mounds opened by him in Grant County contained charred human bones, and one or two covered confused masses of bones, being similar in this respect to some of those heretofore mentioned.

A mound which he opened in Sheboygan County, containing a single skeleton, is described as about 50 feet in diameter and 5 feet high. After passing through 18 inches of surface soil, the central mass, composed of earth mingled with charcoal, ashes, and loose stones, was reached. Near the center of this mass, and at the bottom of the mound, a large human skeleton was discovered, apparently holding between the hands and knees a large clay vase. Immediately over this skeleton was an irregular layer of flat bowlders.

Another mound of this group, about the same size as the preceding, was found literally filled with skeletons to the depth of 2½ feet, evidently intrusive burials, as they were accompanied with iron implements, silver ornaments, etc. Beneath these was a layer of rounded drift bowlders aggregating several wagon loads. Below these and in a shallow excavation in the natural surface of the ground were some forty or more skeletons in a sitting or squatting posture, disposed in circles around and facing the central space, which was occupied by an unusually large shell (*Busycon perversum*).

It is worthy of notice in this connection that there are no effigy mounds, so far as known, in the immediate section where the two works just mentioned are situated, but there is near by, one small oval enclosure about 50 feet in diameter.

In studying the burial mounds of the district now under consideration, of which the foregoing may be considered as types, there appears to be no marked distinction between the intrusive burials of modern Indians and the original burials for which the mounds were constructed.

In both we observe from one to many skeletons in a place; in both we find them stretched out horizontally and also folded; in both we sometimes notice evidences of fire and partially-consumed bones; in both we find instances where the mortar-like covering has been used, and in both we meet occasionally with those confused masses of bones which seem to have been gathered from graves or other temporary burial places into these mounds as common depositories. Moreover the transition from one to the other is so gradual as to leave us nothing save the position in the mound and the presence of vestiges of civilized art to distinguish the former from the latter.

A large portion of these mounds, as has already been stated, are unstratified, and each was probably thrown up and completed at one time; yet skeletons are found at various depths in some of these, as, for example, one opened by Mr. Middleton, in Vernon County, a vertical section of which is shown in Fig. 6, *a a* indicating the original surface

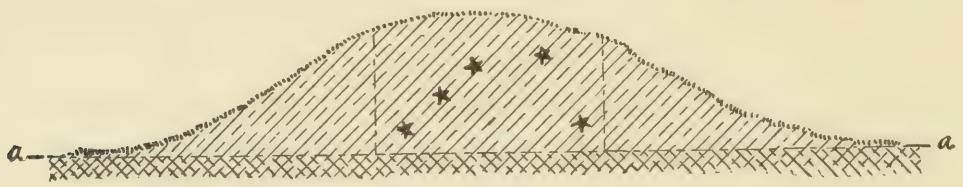


FIG. 6.—Section of burial mound, Vernon County, Wisconsin.

of the ground and the stars the positions of the skeletons, some of which were stretched out at full length while others were folded. The heads were towards different points of the compass and the bones of all were so much decayed that none could be preserved. Several instances of this kind were observed, in some cases those skeletons near the surface or top of the mound indicating burial after contact with the whites.

It is apparent, therefore, that although some of the burial mounds of this district must be attributed to the so-called mound-builders, others were certainly built by the Indians found inhabiting it at the advent of the whites. There can scarcely be a doubt that some of the small unstratified tumuli described are the work of the Indians. If this is conceded there would seem to be no halting place short of attributing all of this class in this district to the same race.

Dr. Hoy's statement that in some cases there was evidence that the bodies had been "covered with a bark or log roofing," is in exact accord with a well-known burial custom of some of the tribes of the Northwest.

According to Mr. M. B. Kent, the Sacs and Foxes, who formerly resided in the region now under consideration, buried the body "in a grave made about 2½ feet deep, which was laid always with the head towards the east, the burial taking place as soon after death as possible. The grave was prepared by putting bark in the bottom of it before the corpse was deposited, a plank covering made and secured some distance above the body."

Another method followed by the same people, according to Mr. J. W. Spencer,[1] was to make a shallow hole in the ground, setting the body in it up to the waist, so that most of the body was above the ground. A trench was then dug about the grave, in which pickets were planted. But the usual method was to place split pieces of wood about three feet long over the body, meeting at the top in the form of a roof, on which dirt was thrown to keep them in place.

According to Potherie,[2] the Iroquois were accustomed to cover the bodies, after being deposited in the "fosse," with bark of trees, on which they cast earth and stones.

According to Schoolcraft,[3] the Mohawks of New York—

> make a large round hole in which the body can be placed upright or upon its haunches: which after the body is placed in it is covered with timber to support the earth which they lay over, and thereby keep the body from being pressed. They then raise the earth in a round hill over it.[4]

The burial customs of northern tribes, known to have occupied portions of the effigy mound district, agree so exactly with what we see in the sepulchral tumuli of this district as to justify the conclusion reached by Dr. Lapham, after a long and careful personal study of them, that they are to be attributed to Indians. Some he was rather inclined to ascribe to tribes which had migrated, had been driven off by other tribes, or been incorporated into them previous to the advent of the white race. But he maintained that the subsequent tribes or those found occupying the country "continued the practice of mound-building so far as to erect a circular or conical tumulus over their dead." And he adds significantly, "This practice appears to be a remnant of ancient customs that connects the mound-builders with the present tribes."[5]

The evidence in regard to these unstratified mounds appears to lead directly to the conclusion that they are all the work of the Indians found occupying the country at the time it was first visited by whites or of their ancestors. If it is conceded that the small unstratified tumuli are in part the work of these aborigines, there would seem to be no escape from the conclusion that all the burial mounds of this district are to be ascribed to them; for, although there are some two or three types of burial and burial mounds, the gradation from one to the other is so complete as to leave no marked line of distinction, and Dr. Lapham is fully justified in asserting that the evidence connects the mound-builders with the modern Indians. The stratified mounds in which the hard clay or mortar covering over the remains is found, and which we shall

[1] Pioneer Life.

[2] Potherie, Histoire de l'Amérique Septentrionale, II, p. 43.

[3] History of Indian Tribes of the United States, Part III, p. 193.

[4] As Dr. Yarrow has described the burial customs of the North American Indians in the first Annual Report of the Bureau, I will omit further quotations and refer the reader to his paper.

[5] Antiquities of Wisconsin, p. 89.

again meet with in the adjoining district, may be the work of different tribes from those which constructed the small unstratified tumuli, but the distinctions between the two classes are not such as to justify the belief that they are to be attributed to a different race or to a people occupying a higher or widely different culture-status.

Having reached this conclusion it is impossible for us to halt here; we are compelled to take one step farther in the same direction and ascribe the singular structures known as "effigy mounds" to the same people. The two classes of work are too intimately connected to admit of the supposition that the effigy mounds were built by one race or people, and the conical tumuli by another. We might as well assume that the enclosures of Ohio were the work of one people, but the mounds accompanying them of another.

That works of different tribes or nations may frequently be found intermingled on areas over which successive waves of population have passed is admitted, but that one part of what is clearly a system is to be attributed to one people and the other part to another people is a hypothesis unworthy of serious consideration. The only possible explanations of the origin, object, or meaning of these singular structures are based, whether confessedly so or not, on the theory that they are of Indian origin. Remove the Indian element from the problem and we are left without even the shadow of an hypothesis.

The fact that the effigy mounds were not used as places of sepulture, and that no cemeteries save the burial mounds are found in connection with them, is almost conclusive proof that the two, as a rule, must be attributed to the same people, that they belong to one system. If this conclusion is considered legitimate, it will lend much aid to the study of these works. It is true it is not new, but it has been generally ignored, and hence could not aid in working out results.

The following extract from Dr. Lapham's "Antiquities of Wisconsin" will not be considered inappropriate at this point:[1]

> The ancient works in Wisconsin are mostly at the very places selected by the present Indians for their abodes, thus indicating that the habits, wants, modes of subsistence, &c., of their builders were essentially the same.
>
> If the present tribes have no traditions running back as far as the time of Allouez and Marquette, or even to the more recent time of Jonathan Carver, it is not strange that none should exist in regard to the mounds, which must be of much earlier date.
>
> It is by considerations of this nature that we are led to the conclusion that the mound-builders of Wisconsin were none others than the ancestors of the present tribes of Indians.
>
> There is some evidence of a greater prevalence than at present of prairie or cultivated land in this State at no very remote age. The largest trees are probably not more than five hundred years old, and large tracts of land are now covered with forests of young trees where there are no traces of an antecedent growth. Every year the high winds prostrate great numbers of trees and frequent storms pass through the forest, throwing down nearly everything before them. Trees are left with a portion of the roots still in the ground, so as to keep them alive for several years after their

[1] Pp. 90–92.

prostration. These "wind-falls" are of frequent occurrence in the depths of the forests and occasion much difficulty in making the public surveys. The straight lines of the sections frequently encounter them.

The amount of earth adhering to the roots of a tree when prostrated by the wind is, under favorable circumstances, very considerable, and upon their decay forms an oblong mound of greater or less magnitude, and a slight depression is left where the tree stood. These little hillocks are often by the inexperienced mistaken for Indian graves. From the paucity of these little "tree-mounds" we infer that no very great antiquity can be assigned to the dense forests of Wisconsin; for, during a long period of time, with no material change of climate, we would expect to find great numbers of these little monuments of ancient storms scattered everywhere over the ground.

Whether the greater extent of treeless country in former times was owing to natural or artificial causes it is now difficult to determine, but the great extent of ancient works within the depths of the present forests would seem to indicate that the country was at least kept free from trees by the agency of man.

Many of these tree-mounds were observed on and about the ancient works.

Another curious circumstance that may be noticed by inspection of the figures of mounds accompanying this work is the gradual transition, as it were, or change of one form into another. Examples can be found of all forms, from a true circle through the oval and elongated oval to the oblong mounds and long ridges. Again, there is a succession of mounds, from the simple ridge of considerable size at one end and gradually diminishing to a point at the other, through the intermediate forms, having one, two, three, or four projections to the "turtle-form." In this way, also, we may trace a gradual development (so to speak) of nearly all the more complicated forms.

It is not pretended to assert that this was the order in which the mounds were erected; or that the aborigines gradually acquired the art by successive essays or lessons. Indeed, we are led to believe that the more complicated forms are the most ancient.

The relative ages of the different works in Wisconsin, so far as they can be ascertained from the facts now before us, are probably about as follows:

First and oldest. The animal forms, and the great works at Aztalan.

Second. The conical mounds built for sepulchral purposes, which come down to a very recent period.

Third. The indications of garden-beds planted in regular geometrical figures or straight lines.

Fourth. The plantations of the present tribes, who plant without system or regularity.

Thus the taste for regular forms and arrangements, and the habits of construction with earthy materials seems to have been gradually lost, until all traces of them disappear in our modern degenerate red men.

The animal-shaped mounds and accompanying oblongs and ridges, constituting the first of the above series, are composed of whitish clay or of the subsoil of the country.

The mounds of the second series, or burial mounds, are usually composed of black mould or loam, promiscuously intermixed with the lighter-colored subsoil.

BURIAL MOUNDS OF THE ILLINOIS OR UPPER MISSISSIPPI DISTRICT.

This district, as heretofore stated, includes eastern Iowa, northeastern Missouri, and northern and central Illinois as far south as the mouth of the Illinois River.

Although we are justified in concluding that this area was occupied during the mound-building age by tribes different from those residing in the Wisconsin district, yet the distinguishing characteristics are more apparent in the forms of the works than in the modes of burial and internal construction of the burial mounds. We shall see by the illustrations hereafter given that at least one of the types found in one district is common in the other. But this is to be expected and is readily explained by the supposition that the tribes which have occupied these regions moved back and forth, thus one after another coming upon the same area. The absence of evidence of such movements would indicate that the mound-building period was of comparatively short duration, a theory which I believe has not been adopted by any authority, but to which I shall have occasion again to refer. One class of the burial mounds of this district is well represented in a group, explored by the members of the Davenport Academy of Natural Sciences, on the Cook farm, near Davenport, Iowa. The mounds of this group are situated on the immediate bank of the Mississippi at a height not exceeding 8 to 12 feet above high-water mark; they are conical in form and of comparatively small size, varying in height from 3 to 8 feet. Nine of them were opened, of which we notice the following:

In No. 1 the layers from above down were, first, a foot of earth; then a layer of stones 1½ feet thick; then a layer of shells 2 inches thick;

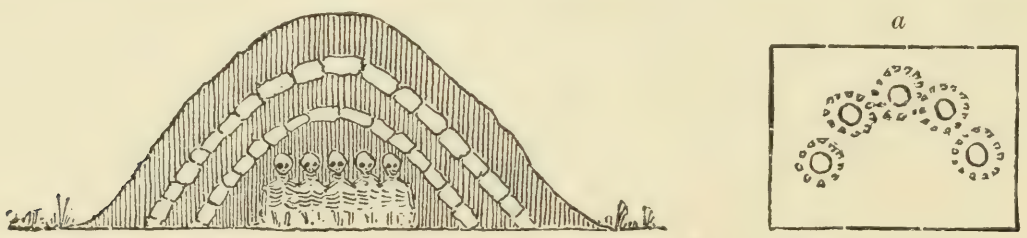


FIG. 7.—Section of burial mound, Davenport, Iowa. [From the Proceedings of the Davenport Academy of Sciences.]

next a foot of earth, and lastly a second layer of shells 4 inches thick. Immediately under this, at the depth of 5 feet, were found five skeletons stretched horizontally on the original surface of the ground, parallel to each other, three with heads toward the east and two with heads west.

With them were found one sea-shell (*Busycon perversum*), two copper axes, to which fragments of cloth were attached, one copper awl, an arrow-head, and two stone pipes, one representing a frog.

Mound No. 2, though similar in form and external appearance to the preceding, presented a quite different arrangement internally, as is evident from the vertical section shown in Fig. 7. Here there were no layers of shells, but two distinct layers of stones. At the depth of 5 feet eight skulls (five only are shown in the figure), with some fragments of bones were unearthed; these were lying in a semicircle of 5 feet diameter, each surrounded by a circle of small stones (shown at *a* in the figure). From the position of the skulls and bones it was evident these bodies had been buried in a sitting posture. The articles found accompanying the skeletons were two copper axes, two small hemispheres of copper and *one of silver*, a bear's tooth, and an arrow-head.

No. 3, though the largest of the group, was apparently unstratified, the original burial consisting of the bones of two adults and one infant, at the original surface of the ground, under a thin layer of ashes, and surrounded by a single circle of small red stones. With these were found copper axes, copper beads, two carved stone pipes (one in the form of a ground-hog), animal teeth, etc. Near the surface of the mound were two well-preserved skeletons, with evidences of an "oak-wood" covering over them and accompanied by glass beads, a fire steel, clay pipe, and silver ear-ring—evidently an intrusive burial.

No. 4 was found similar in construction and in all other respects to No. 3, except that at the feet of the skeletons was a round heap of stones, 3 feet high, neatly laid up, and that in the earth where the skeletons lay could be distinctly seen traces of cloth or some woven material, in which they had probably been enveloped.

No. 5 was similar to No. 2, except in the following respects: The skeletons (probably two) were in a confused heap at the bottom under a 6-inch layer of hard clay (probably similar to what Colonel Norris calls "mortar"). Near these, but outside of the clay layer, was a stone heap similar to that in No. 4. "On this lay two very strong thigh bones and three ribs placed diagonally across each other. There were also a few bones leaning against the heap at one side. The stones were partly burned to lime, and all of them showed more or less marks of fire, while the bones in the mound showed not the slightest trace of it."

Four or five feet south of the stone-heap was a large quantity of human bones in complete confusion. The relics were broken pots, arrow-heads, a stone pipe, etc.

Nos. 7, 8, and 9 were similar to No. 1, varying only in minor details.[1]

My object in noticing the construction of so many mounds in a single group and the modes of burial in them, is to call attention to the differences in detail where there can be no doubt that they were built by one tribe and probably by one clan, as the size of the group indicates a

[1] Proceedings of the Davenport Academy of Sciences, Vol. I, pp. 118–122.

comparatively limited population. In these nine mounds we notice the following differences: some are stratified, others not; in some the skeletons are placed horizontally on the ground, in others they are in a sitting posture, while in others they are dismembered and in confused heaps; in some there are altar-like[1] structures of stone which are wanting in others; in some the skeletons are covered with a hard clay or mortar coating which is wanting in most of them, and lastly, we see in one or two, evidences of the use of fire in the burial ceremonies, though not found in the others.

In some respects these mounds remind us of some of the stratified tumuli of Wisconsin, especially those opened by Colonel Norris in Sheboygan County, to which they bear a strong resemblance.

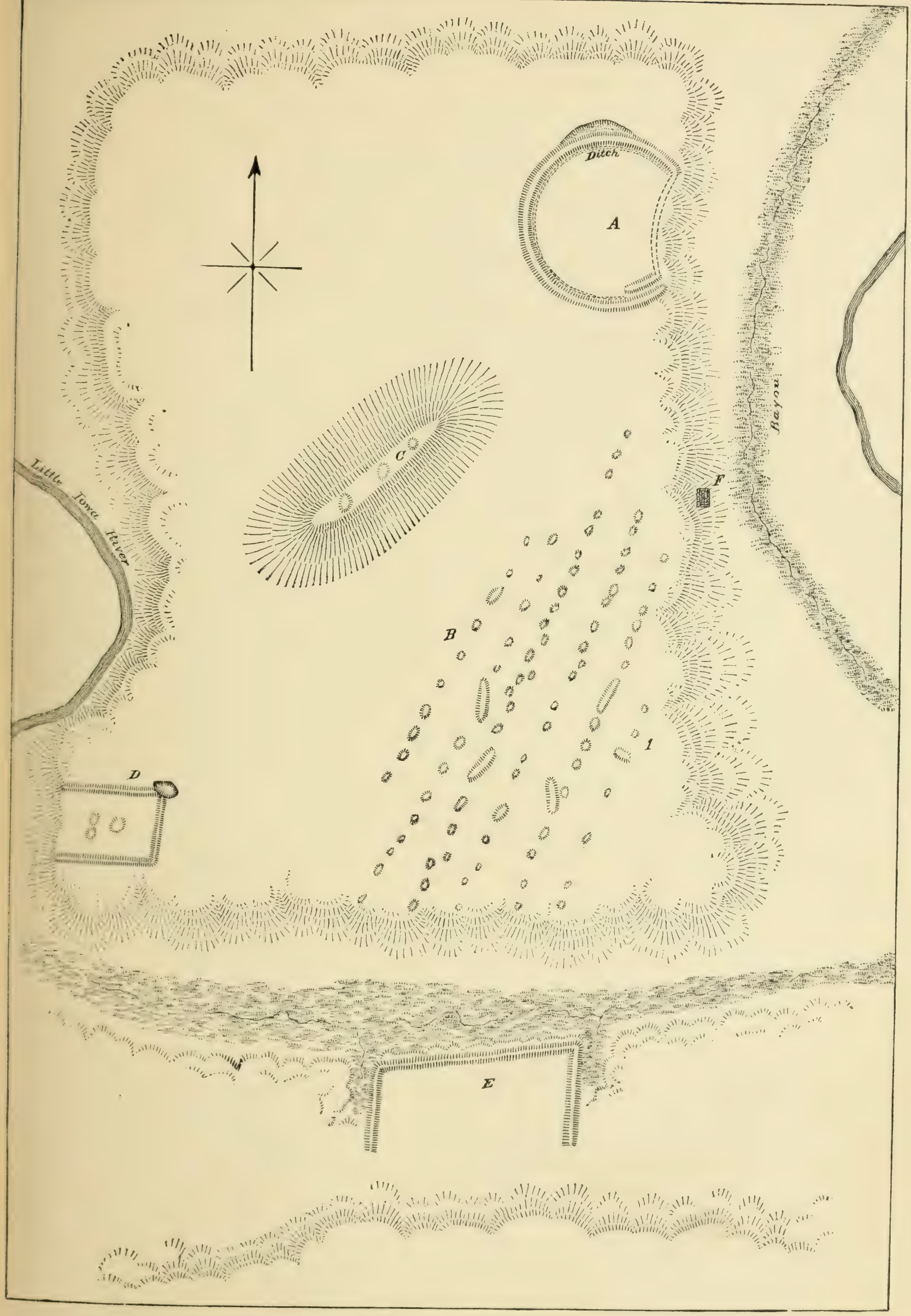
In the latter part of 1882 Colonel Norris examined a group of works in Allamakee County, Iowa, which presents some peculiarities worthy of notice in this connection.

This group, which is represented in Plate I, consisting of enclosures, lines of small mounds, and excavations, is situated on the farm of Mr. H. P. Lane, about 7 miles above New Albin. It is on a bluff in one of the numerous bends of the Little Iowa River, the character of the locality indicating that it was selected as one easily defended. I shall at present only notice those particulars which seem to have some bearing on the character of the burial mounds and mode of interment.

Although there are no effigy mounds in the group, the relative positions and forms of the tumuli, as shown in the figure, and other particulars to be noticed, leave no doubt in my mind that the works, in part, are to be attributed to the people who built the figure mounds of Wisconsin. But, as will be seen from the particulars mentioned, there is conclusive evidence that the locality has been occupied at different times by at least two distinct tribes or peoples, differing widely in habits and customs.

The largest work is an enclosure marked *A* in Plate I, and shown on an enlarged scale in Plate II. It is situated on the margin of a bluff overlooking the Little Iowa and an intervening bog-bayou, probably the former channel of the river. It is almost exactly circular, the curve being broken on the east side, where it touches the brink of the bluff, being here made to conform to the line of the latter, though probably never thrown up to the same height as the other portion. The ends at the southeast overlap each other for a short distance, leaving at this point an entrance way, the only one to the enclosure. A ditch runs round on the inside from the entrance on the south to where the wall strikes the bluff on the north, but is wanting along the bluff and overlapping portion. The north and south diameter, measuring from outside to outside, is 277 feet; from east to west,

[1] I wish it distinctly understood that I do not, by the use of this term, commit myself to the theory that these mounds or any others contain altars in the true sense of the term, as I very much doubt it.



GROUP OF EARTHWORKS, ALLAMAKEE COUNTY, IOWA.

235 feet; the entire outer circumference is 807 feet, the length of the portion along the bluff 100 feet, and of the overlapping portion at the entrance 45 feet. The wall is quite uniform in size, about 4 feet high and from 25 to 27 in width, except along the bluff, where it is scarcely apparent; the entrance is 16 feet wide, and the ditch 5 to 6 feet wide and 3 feet deep. On the north, adjoining the wall on the outside and extending along it for about 100 feet, is an excavation (*c*, Plate II) 35 feet wide at the widest point and 3 feet deep.

As this ground, including the circle, has been under cultivation for fifteen years, it would be supposed the height of the wall is considerably less than it originally was, but this is probably a mistake. On the contrary, it was originally probably but 20 feet wide and not more than 3 feet high, composed mainly of yellowish brown clay obtained, in part at least, from the ditch, but during occupancy the accumulation of countless bones of animals used as food, stone chips, river shells, broken pottery, and dirt, and, since abandonment, the accumulation of sand drifted by the winds from the crumbling sandstone butte (*C*, Plate I) overlooking it, have not only filled the ditch but elevated the wall and whole interior area 2 feet or more. This accumulation of sand is so great and so uniform over the plateau that fifteen years of cultivation have not sufficed to reach the clay of the original surface nor to unearth or even penetrate to the bones, pottery fragments, and other refuse matter covering the original surface in the circle.

Trenches cut across the wall at various points indicate, first, a layer of sand about 1 foot thick; immediately below this an accumulation of refuse matter forming a layer from 1 to 2 feet thick; under which was the original clay embankment 2 feet thick, resting on the natural surface of the ground. A section of the ditch, embankment, and excavation is shown in Plate II. The dotted line *a b* indicates the natural surface: No. 1 the original clay layer of the wall; No. 2 the layer of earth and refuse material with which the ditch is filled; and No. 3 the top layer of sand.

In No. 2 were found charcoal, ashes, fragments of pottery, fractured bones, etc.

A broad belt of the inner area on the east side was explored, and the same conditions were found to exist here as were revealed by the trenches across the wall and ditch, except that here the shells were more abundant in layer No. 2, and there were many burnt stones.

On the southeastern portion of the plateau (*B*, Plate I) are six nearly parallel lines of mounds running northeast and southwest, mostly circular in form, varying from 15 to 40 feet in diameter, and from 2 to 6 feet in height; a few, as indicated in the figure, are oblong, varying in length from 50 to 100 feet. The number in the group exceeds one hundred.

While engaged in excavating these mounds Colonel Norris observed a number of patches of the level area quite destitute of vegetation. The

owner of the land, who was present, could give no explanation of this phenomenon, simply remarking that they had always been so, never having produced a good crop of anything, although there was no apparent difference between the soil of these spots and the surface around them. As some of these extended across the area occupied by the mound group, he concluded to explore them, and was surprised to find them to be burying places, and scattered here and there among the graves, if such they could be called, were stone chips, shells, charcoal, and ashes. He was surprised at this, as he supposed the mounds alone were used as depositories of the dead, and was at first disposed to attribute these burials to a people who had occupied the ground long subsequent to the authors of the works. Possibly this may be the correct solution, but if so, they were certainly the same as those who buried in the mounds of this group, as no difference in the contents and internal arrangement could be observed. In both cases there was a compact layer of hard, light-colored earth, having the appearance of lime-mortar, possibly clay and ashes mixed together, which had been subject to the action of fire. As the burials in these sterile spots were seldom more than 18 inches deep, the only layer above them consisted of sand from the butte, while the mounds were uniformly covered with a layer of richer soil, although below this and covering the skeletons was a layer of hard, light-colored earth. Skeletons and bones were found in great abundance in the mounds and under the surface of the plateau, though none were discovered in the circle or nearer than 200 yards of it. They were sometimes mingled promiscuously with charcoal and ashes, but were usually in whole skeletons lying horizontally, though some were in a sitting posture; they were within from 1 to 3 feet of the surface, without any apparent system, except that they were always covered with a layer of hard earth.

A trench cut through the long mound of this group, No. 1, revealed near the center an oblong pile of sandstones, beneath which was found a rude stone coffin, formed by first placing flat sandstone slabs on the natural surface of the ground, then other slabs at the sides and ends, and a covering of similar stones, thus forming a cist or coffin about 6 feet long and 18 inches wide. Within this, extended at full length, with the head west, was the skeleton of an adult, but too much decayed for preservation. With it were some stone chips, rude stone scrapers, a *Unio* shell, and some fragments of pottery similar to those dug up in the circular enclosure.

The mounds on the sand butte marked *C*, Plate I, which is something over 100 feet high, were opened and found to be in every respect similar to those already mentioned, showing them to be the work of the same people who built the others.

The three mounds in the square enclosures marked *D*, (Plate I), were also opened, with the following results: The largest, oval in form, 30 feet long, about 20 feet broad and 4 feet high, was found to

consist of a top layer of loose sand 1 foot thick, the remainder of hard yellowish clay.. In the latter were found several flat sandstone fragments, and beneath them, on the original surface of the ground, a much decayed skeleton, with which were a few stone chips, *Unio* shells, and fragments of pottery.

The second in size, 18 feet in diameter and 3 feet high, although covered with a layer of sand, was mainly a loose cairn of sandstones, covering traces of human bones, charcoal, and ashes. The third was found to be similar to the second, but in this case the pile of stones was heaped over a mass of charred human bones, mingled with which were charcoal, ashes, and fragments of pottery.

Fragments of pottery were found in abundance in the circle, in the mounds, in the washouts, and in fact at almost every point in the area covered by the group. Judging by the fragments, for not a single entire vessel was obtained, the prevailing forms were the ordinary earthen pot with ears, and a flask or gourd-shaped vase with a rather broad and short neck, often furnished with a lid. The paste with which this pottery was made had evidently been mixed with pounded shells. The only ornamentation observed consisted in the varied forms given the handles or ears and indentations and scratched lines.

Nearly all the implements found were of stone, exceedingly rude, being little else than stone flakes with one sharp edge; many of them having been resharpened and used as knives, scrapers, and skinners. Some had been worked into moderately fair perforators or drills for making holes in horn, bone, and shell—specimens of all these, with such holes, having been found here.

The immense quantity of charred and fractured bones, not only of fish, birds, and the smaller quadrupeds, such as the rabbit and the fox, but also of the bear, wolf, elk, deer, and buffalo, shows that the occupants of this place lived chiefly by the chase, and hence must have used the bow and arrow and spear; yet, strange to say, although careful search was made for them, less than a dozen arrow and spear heads were found, and these so rude as scarcely to deserve the name. A single true chipped celt, three sandstones with mortar-shaped cavities, and a few mullers or stones used for grinding were obtained; also, some fragments of deer-horn, evidently cut round by some rude implement and then broken off, and several horn and bone punches and awls, one barbed and another with a hole through the larger end.

The object in view in presenting these details is to give the reader an opportunity of judging for himself in reference to some inferences drawn from them.

The form of the circular enclosure reminds us at the first glance of the palisade enclosures figured by De Bry,[1] which, according to Lafitau,[2] was the form usually adopted by the Indian tribes who were accustomed

[1] Brevis Narratio, Plate XXX. Admiranda Narratio, Plate XIX

[2] Mœurs des Sauvages, II, p. 4.

to erect such structures. We have here the almost exact circle, save where interrupted by the margin of the bluff, the overlapping of the ends, and the narrow entrance-way. We have here also the clay with which it was the custom, at least in the southern section, to plaster the palisades or which was cast against their bases as a means of supporting or bracing them at the bottom, a custom not entirely unknown among the northern tribes in former times.

The indications are therefore very strong that this enclosing wall was originally a palisade which had been in part plastered with clay, or against which clay had been heaped to assist in rendering it firm and secure, and, if so, then it is probable it was built by Indians.

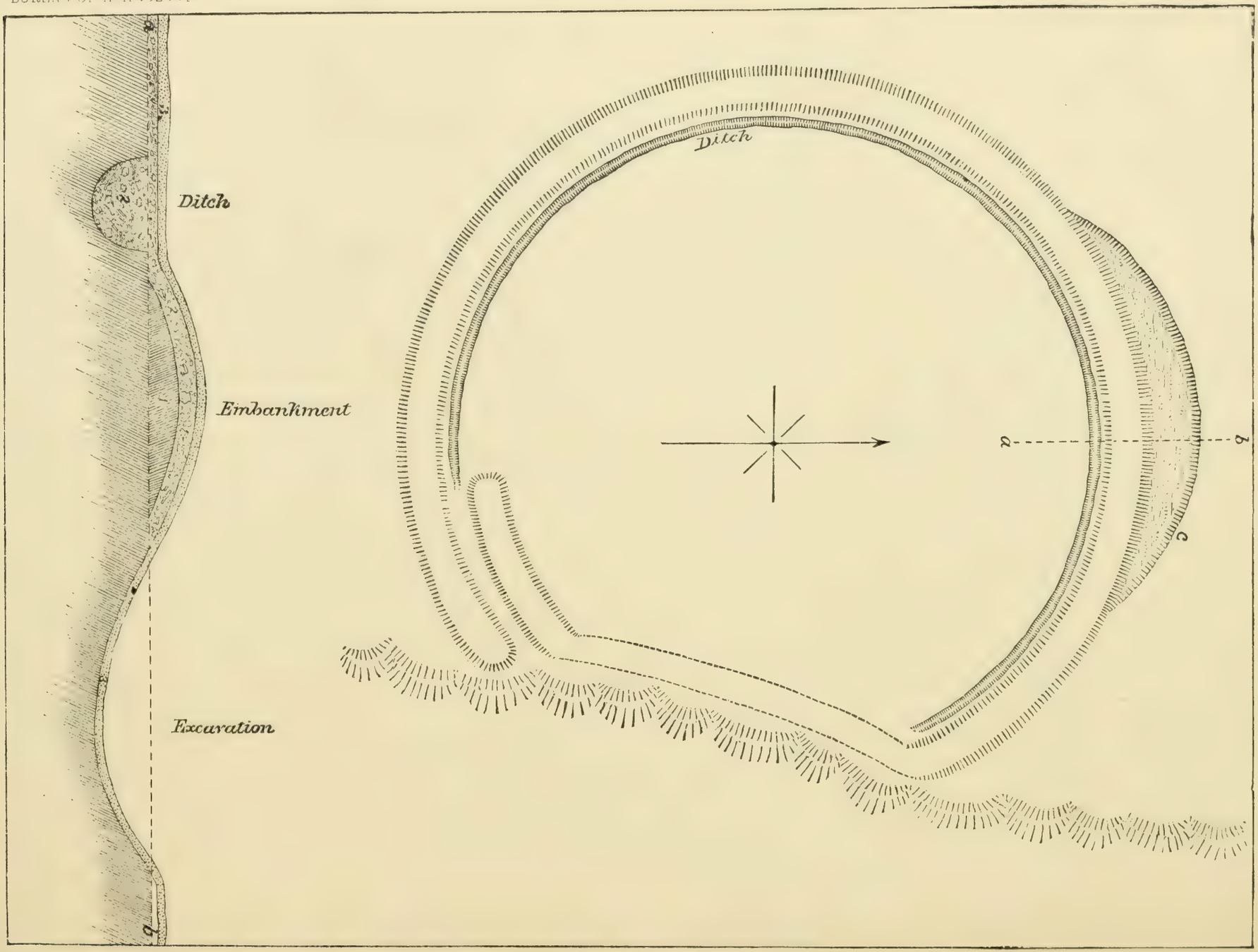
Be this supposition right or wrong the evidence is conclusive that the area on which this group is situated has been the abode of at least two tribes or peoples: first, it was occupied by the authors of the enclosures, whose stay was probably not very protracted, and after they had abandoned the locality or been driven from it by a second tribe, evidently comparatively numerous, that made it for a long time a dwelling place; a tribe differing in customs from its predecessor, and one that did not rely upon enclosures for protection. By no other supposition can we account for the fact that the refuse layer which covers the interior of the circle also spreads in equal depth over the ditch and clay remains of the enclosing wall, as those who left this refuse layer could have made no possible use of the wall as a defensive work, for which the position chosen and other particulars show it was designed.

The form of this enclosure, as we have before intimated, seems to connect it with some one of the Indian tribes; its age is uncertain but the accumulation of refuse matter and sand since the abandonment by the first occupants indicates considerable antiquity.

Although we cannot say positively that the second occupants were the builders of the mounds, as the investigation was not as thorough as it should have been, still I think we may assume, with almost absolute certainty, that such was the fact. The mounds in the square work marked D, in Plate I, present considerable differences from those in the group, and are probably the work of those who built the enclosures.

The stone grave in the oblong mound indicates the presence of individuals of a more southern tribe[1] at this place, during its second occupancy. The position of the cist in the mound would seem to forbid the idea of an intrusive burial, otherwise I should certainly suppose such to be the fact. I cannot, in the present paper, enter into a discussion of the question "to what tribe or people are the box-form stone graves to be attributed," but will state my conviction to be, after a somewhat careful study of the question, that they are to be ascribed to the Shawnees, Delawares, and Kickapoos.

[1] See "Early Notices of the Indians of Ohio" by M. F. Force, pp. 18–20.



PLAN AND SECTION OF EARTHWORK, A, PL.

Without further discussion of this group, which, as before intimated, presents, so far as the mounds are concerned, some features which appear to ally the latter to one class of burial mounds found in Wisconsin, we will now refer to some other works of this district explored by the Bureau assistants.

On the land owned by Mr. Fish, in Iowa, near the Mississippi River, a short distance below where the Little Iowa joins it, is a group of mounds placed on the crest of a ridge running parallel with the former stream about one-fourth of a mile therefrom. There are in all about thirty of these mounds, circular in form, and varying from 20 to 40 feet in diameter. These are all burial mounds, but one singular feature observed is that those on the higher sandy ground, although about the same size and having cores of clay similar to those on the firm clay portion of the ridge, have a layer of sand, some two feet or more added to them, yet when opened the contents and mode of construction of the two classes were found to be the same, to wit, a layer of hard clay covering decaying human bones, fragments of pottery, and rude stone implements. There were generally two or more skeletons in a mound, which were placed horizontally side by side on the natural surface of the ground.

Upon the terrace below the group were found the remnants of a row of comparatively large burial mounds. A railroad line having been carried along here, the larger portion of these works were destroyed; still, enough remained to show that the height varied from 6 to 15 feet, that they were composed chiefly of sandy loam similar to that around them, and that each had a hard central core of clay mixed with ashes, usually covering but a single skeleton. The relics found in them when opened consisted chiefly of stone axes, arrow and spear heads, and a few copper celts. In one, which was 32 feet in diameter and 8 feet high and less injured than the others, was a circular vault, walled as represented in Fig. 8. This was built of flat, unworked stones, laid up

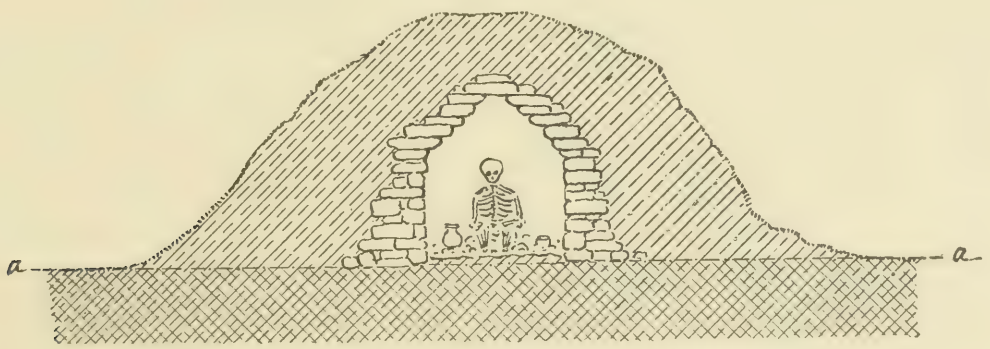


FIG. 8.—Section of mound showing stone vault (Iowa).

without mortar, gradually lessening as it ascended, and covered at the top by a single flat stone. In it was a single skeleton in a squatting posture, with which was a small earthen vase of globular form.

A singular fact was observed in a group near the town of Peru, Dubuque County. This group is situated on a dry, sandy bench or

terrace some 20 feet or more above a bayou which makes out from the Mississippi. It consists chiefly of small circular tumuli, but at the north end are four oblong mounds varying in length from 40 to 110 feet and in height from 1½ to 4 feet; there is also an excavation about 30 feet in diameter and 6 feet deep, and scattered throughout the group are a number of circular earthen rings varying in diameter from 12 to 30 feet and from 1 to 2 feet in height.

Quite a number of the circular mounds were opened, but only detached portions of a skeleton were found in any one, as a skull in one, and a leg, arm, or other part in another, four or five adjacent ones apparently together containing the equivalents of an entire skeleton. Some of these bones were charred, and all were much decayed, indicating by their appearance great age. The inner portion of the mounds consisted of hard, compact earth, chiefly clay, resembling in this respect most of the burial mounds of this region.

Unfortunately the examination of this group was too partial and too hastily made to enable us to form any theory as to the meaning of this singular mode of burial, or even to be satisfied that the idea of our assistant in this regard is correct.

As possibly having some bearing upon the question, the following facts relating to another similar group at Eagle Point, three miles above Dubuque, are given.

This group, which is situated on a bluff about 50 feet above high-water mark, consists of about seventy mounds, all of which, except two oblong ones, are small and conical in form. Eleven of these circular tumuli were thoroughly explored, but nothing was found in them except some charcoal, stone chips, and fragments of pottery. But in an excavation made in the center of a long mound just west of the group were found two decayed skeletons. Near the breast of one of them were a blue stone gorget and five rude stone scrapers; with the other, thirty-one fresh-water pearls, perforated and used as beads. Excavations were made in an oblong and circular mound near the extreme point of the bluffs. Each was found to have a central core of very hard clay mixed with ashes, so hard in fact that it could only be broken up with the pick, when it crumbled like dry lime mortar, and was found to be traversed throughout with flattened horizontal cavities. These cavities were lined with a peculiar felt-like substance, which Colonel Norris, who opened the mounds, was satisfied from all the indications pertained to bodies which had been buried here, but from lapse of time had entirely crumbled to earth save these little fragments. We are therefore perhaps justified in concluding that a more thorough and careful examination of the mounds of the other group would have shown that the skeletons had so far decayed as to leave but a small part in a mound. Nevertheless it is proper to state that Colonel Norris does not coincide with this conclusion, but thinks that the dismembered skeletons were buried as found. Possibly he is correct.

In this connection, and before referring to the mounds of this district on the Illinois side of the Mississippi, I desire to call attention to some modern Indian burials in this region. As the statements here made are from one claiming to be an eye-witness, I give them as related to the Bureau assistant.

The locality is a level plat in a bend of the Des Moines River between Eldon and Iowaville, Wapello County. The plat of this area and the sites of the burial places, as shown in Fig. 9, are based upon the state-

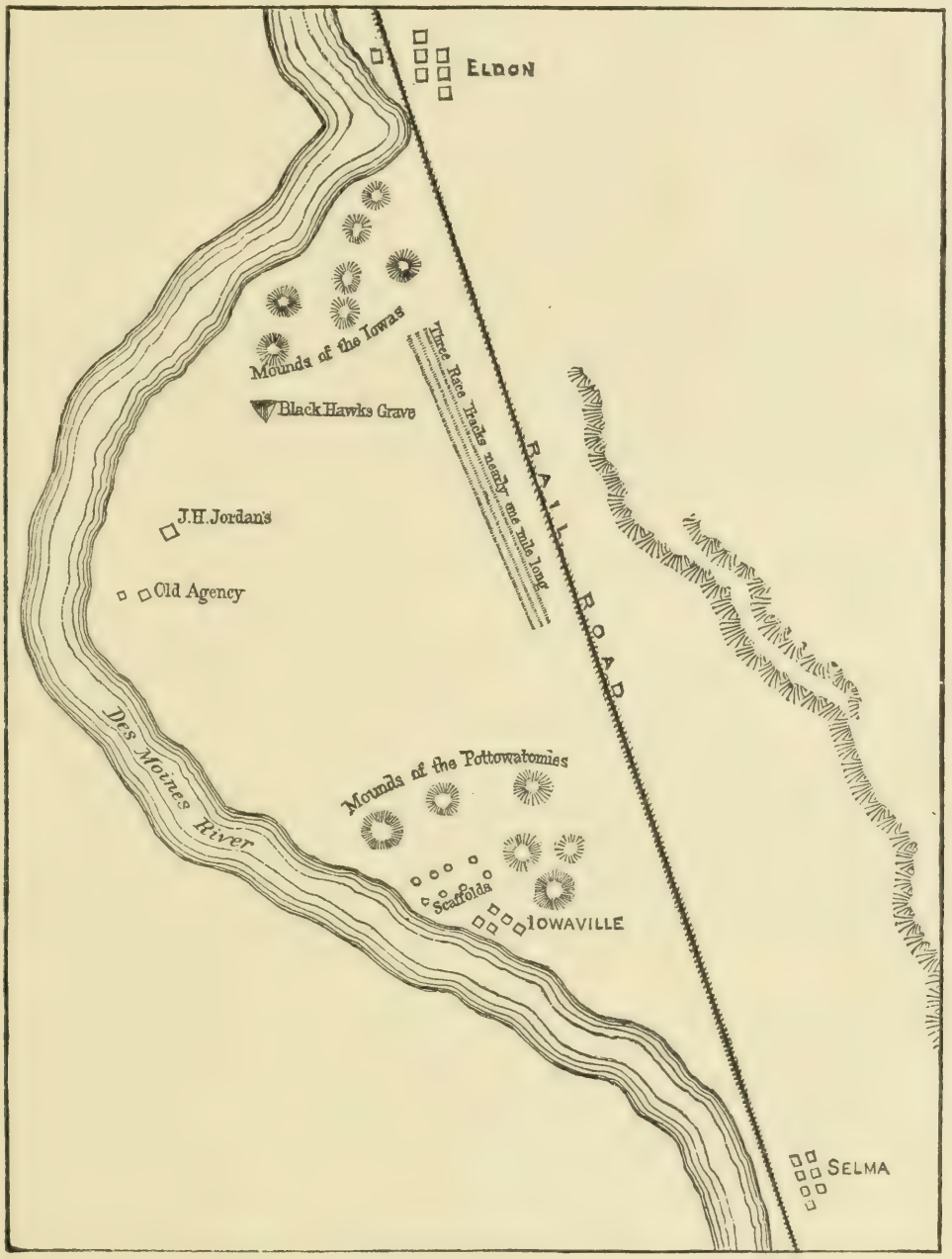


FIG. 9.—Plat of Indian burying-ground, Wapello County, Iowa.

ments of Mr. J. H. Jordan (the person referred to), who has resided here since the close of the Black Hawk war, and was the agent of the Sacs and Foxes from their removal hither after the war until Black Hawk's death, September 15, 1838.[1]

[1] According to Drake, "Indians of North America," he died October 3, 1838.

The extreme width of the area represented is about 2 miles. Close to the point of the bend formerly stood the agency building, near which is the present residence of Mr. Jordan. The triangle marks the position of Black Hawk's grave; the parallel lines, the race-tracks; the rings in the upper corner, the mounds of the Iowas; those in the lower corner, near Iowaville, the mounds of the Pottawattamies; and the open dots, near the same point, the place where the scaffolds for their dead stood.

Mr. Jordan says:

"This valley had long been a famous haunt for the warring Indians, but was, at the time of my first personal acquaintance with it, in possession of the Iowas, whose main village was around the point where my present residence now stands. The race-course consisted of three hard beaten parallel tracks nearly a mile in length, where the greater portion of the Iowa warriors were engaged in sport when Black Hawk surprised and slaughtered a great portion of them in 1830. After Black Hawk and his warriors had departed with their plunder, the remaining Iowas returned and buried their dead in little mounds of sod and earth, from 2 to 4 feet high, at the point indicated on the diagram.

"After the Black Hawk war was over, the remnant of the Iowas, by treaty, formally ceded their rights in this valley to the Sacs and Foxes. At this place this noted chief was buried, in accordance with his dying request, in a full military suit given him by President Jackson, together with the various memorials received by him from the whites and the trophies won from the Indians. He was placed on his back on a 'puncheon' [split slab of wood], slanting at a low angle to the ground, where his feet were sustained by another, and then covered with several inches of sod. Over this was placed a roof-shaped covering of slabs or 'puncheons,' one end being higher than the other; over this was thrown a covering of earth and sod to the depth of a foot or more, and the whole surrounded by a line of pickets some 8 or 10 feet high."

Here we have evidence that some at least of the Indians of this region were accustomed to bury their dead in mounds down to a recent date.

One of the most important burial mounds opened in this district by the employés of the Bureau is situated on the bluff which overhangs East Dubuque (formerly Dunleith), Jo Daviess County, Illinois. As I shall have occasion to refer to others than the one mentioned, I give in Fig. 15, Plate III, a plan of the group, and in Fig. 16, same plate, a vertical section of the bluff along the line of mounds numbered 13, 14, 15, 16, and 17, in which is seen the general slope of the upper area.

The mounds of this group are conical in form, varying from 12 to 70 feet in diameter and from 3 to 12 in height. All appear to have been built for burial purposes.

In No. 5, the largest of the group, measuring 70 feet in diameter and 12 feet in height, a skeleton, apparently an intrusive burial, was found

at the depth of 2 feet immediately below the apex. Near the original surface of the ground, several feet north of the center, were the much-decayed skeletons of some six or eight individuals of every size from the infant to the adult. They were placed horizontally at full length with the heads toward the south. A few perforated *Unio* shells and some rude stone skinners and scrapers were found with them. Near the original surface, some 10 or 12 feet from the center, on the lower side, was discovered, lying at full length on its back, an unusually large skeleton, the length being something over 7 feet. It was all distinctly traceable though it crumbled to pieces immediately after removal from the hard earth in which it was encased. With it were three thin, crescent-shaped pieces of roughly-hammered native copper, respectively 6, 8, and 10 inches in length, with some small holes along the convex margin; also a number of elongate copper beads, made by rolling together thin sheets, and a chert lance-head 11 inches long; the latter was placed near the left thigh. Around the neck were the remains of a necklace of bears' teeth. Lying across the thighs were dozens of small copper beads, evidently formed by rolling slender wire-like strips into small rings. The assistant who opened this mound, and who is personally well acquainted with Indian habits and customs, suggests that these beads once formed the ornamentation of the fringe of a hunting shirt.

As No. 4 of this group presents some peculiarities, I take the description from Colonel Norris's notes:

During a visit to this locality in 1857, he partially opened this mound, finding masses of burned earth and charred human bones mingled with charcoal and ashes. At his visit in 1882, on behalf of the Bureau, a further examination revealed, on the lower side, the end of a double line of flat stones set on edge, about a foot apart at the bottom and leaned so as to meet at the top and form a roof-shaped flue or drain. Following this up, he found that it extended inward nearly on a level, almost to the center of the mound, at which point it was nearly 3 feet below the original surface of the ground. Here a skeleton was discovered stretched horizontally in a vault or grave which had been dug in the ground before the mound was cast up. Over that portion below the waist (including the right arm) were placed flat stones so arranged as to support one another and prevent pressure on the body, but no traces of fire were on them; yet, when the upper portions of the body were reached, they were found so burned and charred as to be scarcely traceable amid the charcoal and ashes that surrounded them.

It was apparent that a grave had first been dug, then the right arm had been dislocated and placed by the side of the skeleton below the waist, and this part covered with stones as described, and then the remainder burned by a fire kindled over it.

A section of the mound showing the grave and stone drain is given

in Fig. 10, in which 1 is the outline of the mound on the hill slope; 2, the pit; and 3, the stones of the drain.

No. 13 was found to contain a circle or enclosure, 10 feet in diameter, of stone slabs set on edge at the natural surface of the ground. Within this circle, but some 2 feet below the surface, were five skeletons: two adults, two children, and one infant. They were all lying horizontally, side by side, with heads south, the adults at the outside and the children between them.

We are reminded by the mode of burial in this case of that in the mound opened by Dr. Lapham at Waukesha, Wisconsin, before referred to. In that the remains of a single individual were discovered, but in this it would seem that the skeletons of an entire family, gathered from their temporary resting places, had been carefully buried side by side, a silent testimonial to parental love and affection of friends among the mound-builders.

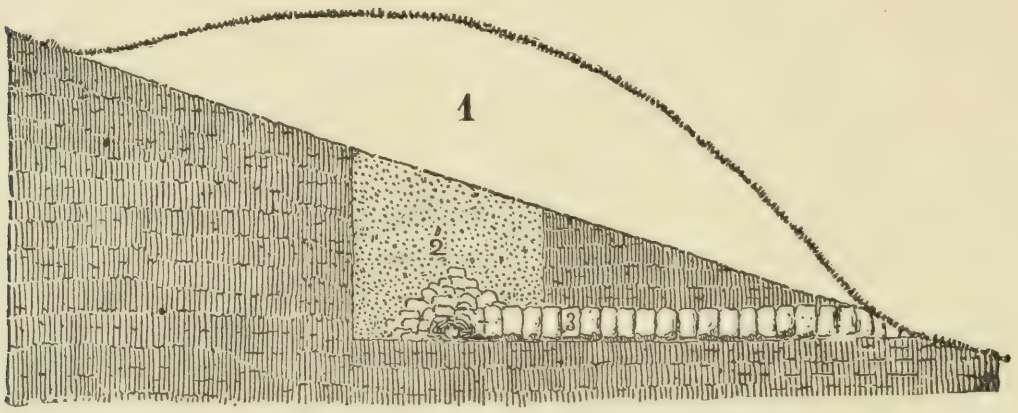


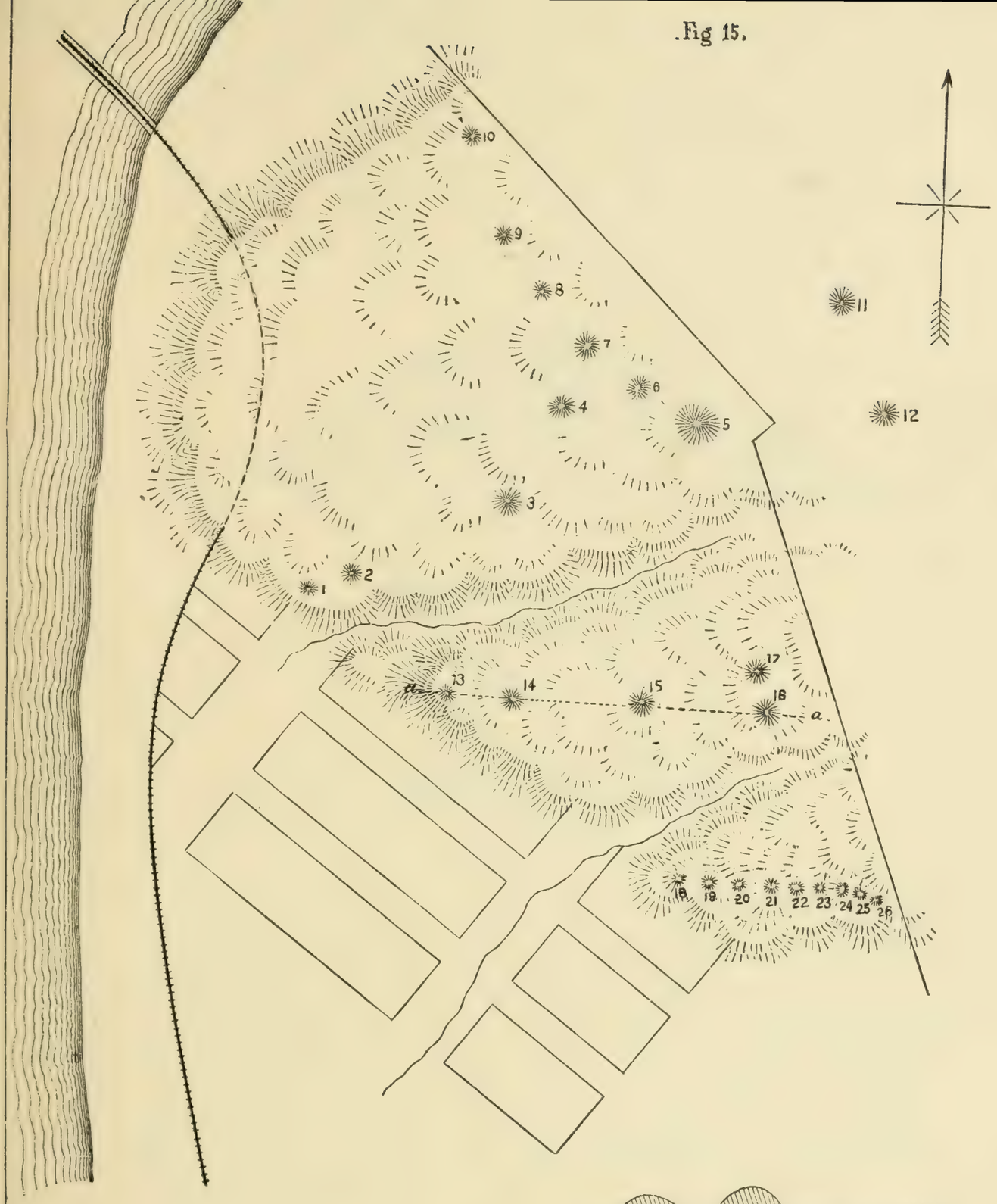
FIG. 10.—Section of mound 4, East Dubuque, Illinois.

No. 1, 6 feet high and 45 feet in diameter, was found to be an ossuary. Beneath the top layer was an arched stratum of clay and ashes mixed, so firm and hard as to retain its form unsupported over a space of several feet. This covered a confused heap of human bones, many of which were badly decayed.

The marked feature of the group was found in No. 16, a remarkably symmetrical mound 65 feet in diameter and 10 feet high. After passing downward 6 feet, mostly through a hard gray layer, a vault partly of timber and partly of stone was reached. A vertical section of the mound and vault is shown in Fig. 11, and the ground plan of the vault in Fig. 12.

This vault or crypt was found to be rectangular in form, inside measurements showing it to be 13 feet long and 7 feet wide, surrounded by a sandstone wall 3 feet high. Three feet from each end was a cross-wall or partition of like character, thus forming a main central chamber 7 feet square, and a narrow chamber or cell at each end something over 2 feet wide and 7 feet long. The whole had been completely covered with a layer of logs from 6 to 12 inches in diameter, their ends reaching slightly beyond the side walls in the manner shown in Fig. 12.

Fig 15.



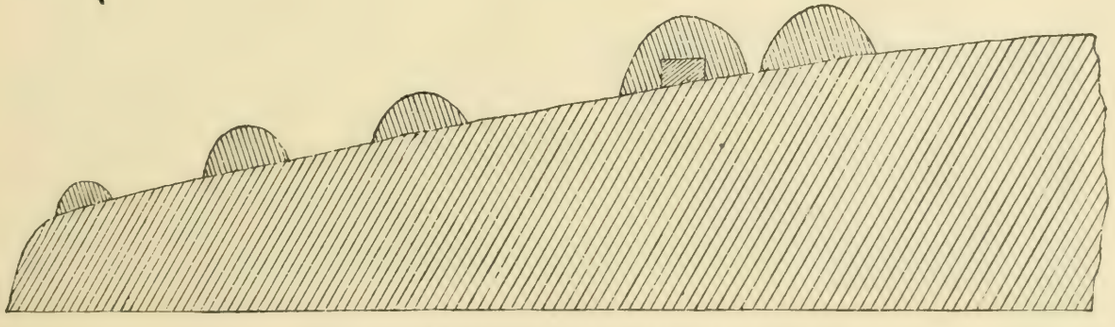


Fig 16

Vertical Section on dotted line a-a.

GROUP OF MOUNDS AND VERTICAL SECTION OF BLUFF, EAST DUBUQUE, ILL

In the center chamber were found eleven skeletons: six adults and five children of different ages, including one infant, the latter evidently buried in the arms of one of the adults, possibly its mother. Apparently they had all been buried at one time, arranged in a circle, in a squatting or sitting posture, against the walls. In the center of the space around which they were grouped was a fine specimen of *Busycon perversum*, which had been converted into a drinking-cup by removing the columella. Here were also numerous fragments of pottery.

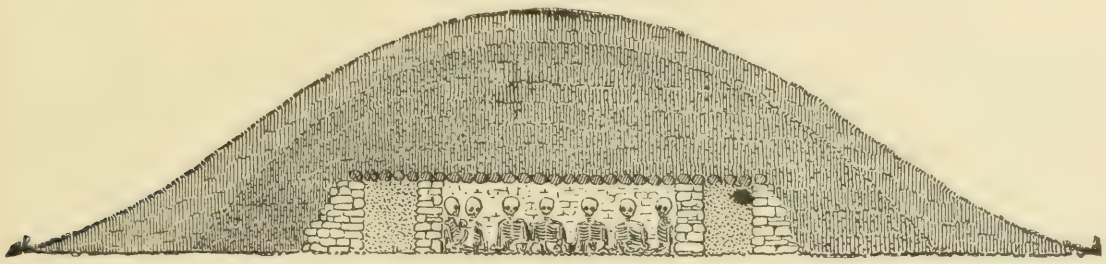


FIG. 11.—Section of mound 16 (Pl. III) showing vault.

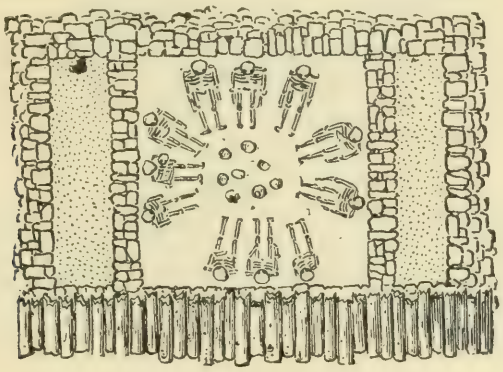


FIG. 12.—Plan of vault, mound 16 (Pl. III).

The end cells, walled off from the main portion, as heretofore stated, were found nearly filled with a very fine chocolate-colored dust, which gave out such a sickening odor that the workmen were compelled to stop operations for the day in order to allow it to escape.

The covering of the vault was of oak logs, most of which had been peeled and some of the larger ones somewhat squared by slabbing off the sides; and the slabs and bark thus removed, together with reeds or large grass stems, had been laid over them. Over the whole was spread layer after layer of mortar containing lime, each succeeding layer harder and thicker than that which preceded it, a foot or so of ordinary soil completing the mound.

As there can be scarcely a doubt that the mounds of this group were built by one tribe, we have here additional evidence that the same people were accustomed to bury their dead in various ways. Some of the skeletons are found lying horizontally side by side, others are placed in a circle in a sitting or squatting posture, while in another mound we find the dismembered bones heaped in a confused mass. In one place is a single huge frame decked with the ornaments of savage

life, while in other places we see the members of a family lying side by side, and in others the bones, possibly of the ordinary people, heaped together in a common ossuary.

The timber-covered vault in mound No. 16 calls to mind very vividly the similar vaults mentioned by Squier and Davis,[1] found in the valley of the Scioto in Ohio. In the latter the walls as well as the covering were of logs, instead of stone, but the adaptation to circumstances may, perhaps, form a sufficient explanation of this difference. While there are several very marked distinctions between the Ohio works and those of the district now under consideration, there are also some resemblances, as we shall see as we proceed, which cannot be overlooked, and which seem to indicate relationship, contact, or intercourse between the people who were the authors of these different structures.

In additional support of this view, I call attention to the carved pipes found by members of the Davenport Academy of Natural Sciences,

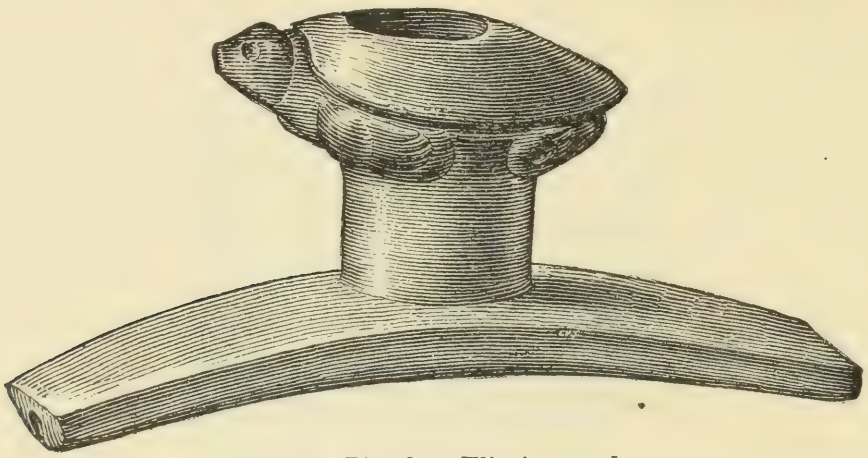


FIG. 13.—Pipe from Illinois mound.
(After Smithsonian Report.)

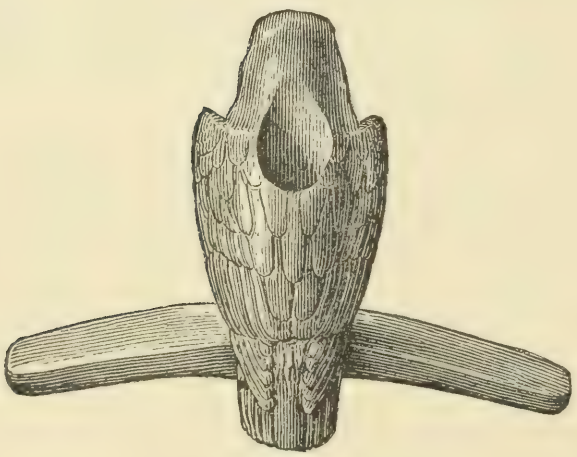


FIG. 14.—Pipe from Illinois mound, ½.
(After Smithsonian Report.)

FIG. 15.—Pipe from Illinois mound, ½.
(After Smithsonian Report.)

in the mounds near Davenport, Iowa, already referred to, which are represented on Plates IV and XXXIV of Vol. I of the Proceedings of that society, and to others obtained by Judge J. G. Henderson

[1] Ancient Monuments, p. 162.

from some mounds near Naples, Illinois, and described in the Smithsonian Report for 1882. The latter are shown in Figs. 13, 14, and 15. The relation of these to the pipes found in the Ohio works by Squier and Davis is too apparent to be attributed to accident, and forces us to the conclusion that there was intercourse of some kind between the two peoples, and hence that the works of the two localities are relatively of the same age.

The mode of burial in one of the mounds near Naples is so suggestive in this connection that I quote here Judge Henderson's description:

> The oval mound No. 1 was explored in April, 1881, by beginning a trench at the north end and carrying it to the original surface and through to the south end. Lateral trenches were opened at intervals, and from these and the main one a complete exploration was made by tunneling.
>
> Near the center of the mound a single skeleton was found in a sitting position, and no objects were about it except a single sea-shell resting on the earth *just over the head*, and a number of the bone awls, already described, *sticking in the sand around the skeleton*. The individual had been seated upon the sand, these awls stuck around him in a circle 4 or 5 inches in the sand, and the work of carrying dirt begun.
>
> When the mound had been elevated about 6 inches above the head the shell was laid on and the work continued.

The shell alluded to is a fine specimen of *Busycon perversum*, with the columella removed in order to form a drinking cup.

The particular point to which I call attention is this: In Plate XI, Part II of De Bry,[1] which is reproduced in the annexed Plate IV, is represented a very small mound, on the top of which is a large shell, and about the base a circle of arrows sticking in the ground. The artist, Le Moyne de Morgues, remarks, in reference to it, "Sometimes the deceased king of this province is buried with great solemnity, and his great cup from which he was accustomed to drink is placed on a tumulus with many arrows set about it." The tumulus in this case is evidently very small, and, as remarked by Dr. Brinton,[2] "scarcely rises to the dignity of a mound." Yet it will correspond in size with what the Naples mound was when the shell was placed upon it; nevertheless the latter, when completed, formed an oval tumulus 132 feet long, 98 feet wide, and 10 feet high.

It is therefore quite probable that Le Moyne figures the mound at the time it reached the point where the shell cup was to be deposited, when, in all likelihood, certain ceremonies were to be observed and a pause in the work occurred. Whether this suggestion be correct or not, the cut and the statement of Judge Henderson furnish some evidence in regard to the presence of these articles in the mounds, and point to the people by whom they were placed there.

Colonel Norris opened a number of the ordinary small burial mounds found on the bluffs and higher grounds of Pike and Brown Counties,

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[1] Brevis Narratio, Tab. XI.

[2] American Antiquarian, October, 1881, p. 14.

Illinois, which were found to be constructed in the usual method of this district; that is, with a layer of hard, mortar-like substance, or clay and ashes mixed, covering the skeletons. The positions of the skeletons varied, as we have seen is the case in other localities. The num-

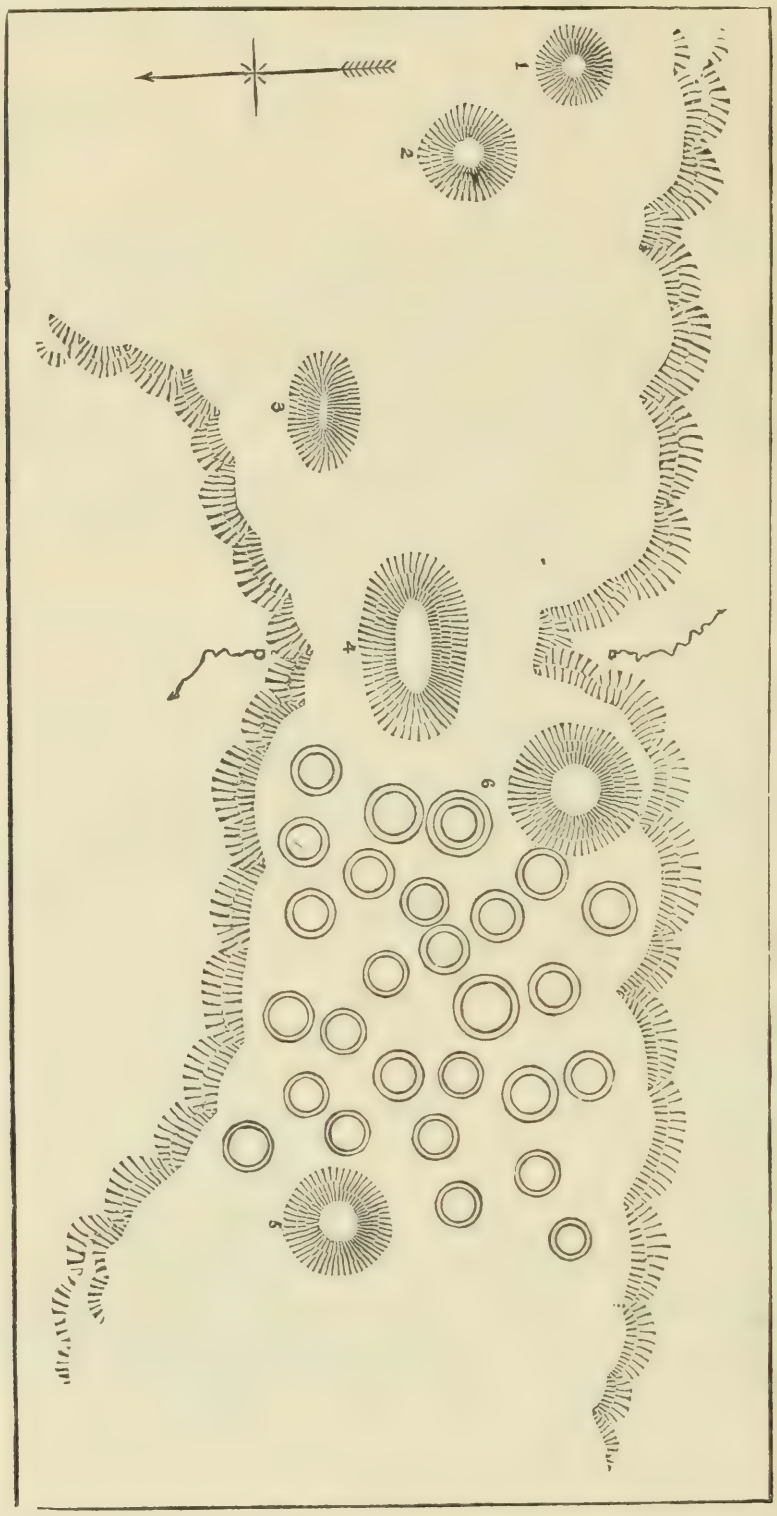
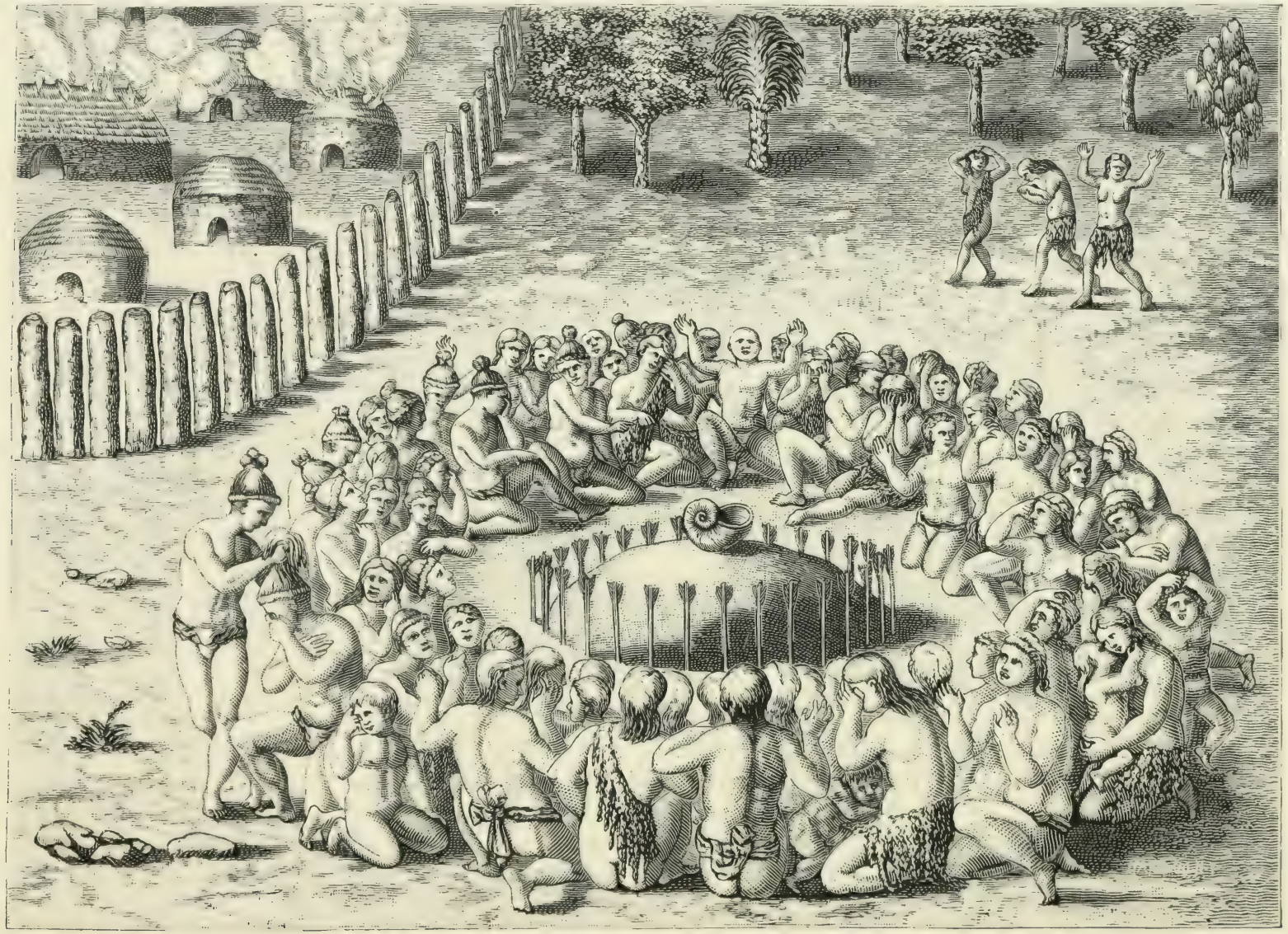


FIG. 16.—Group of mounds and hut-rings, Brown County, Illinois.

ber of intrusive burials was unusually large here. In a number of cases where there were intrusive burials near the surface, no bones, or but the slightest fragments of the bones of the original burial, could be found, although there were sure indications that the mounds were built



A MOUND, FROM DE BRY.

and had apparently been used for this purpose. These mounds also present evidence of the intrusion of an element from one people into the country of another. On the farm of Mr. Edward Welch, Brown County, Illinois, is the group of mounds shown in Fig. 16. This consists of conical and pyramidal mounds, and the small earthen rings designated house sites. The form of the larger mounds is shown in Fig. 17. Although standing on a bluff some 200 feet above the river bottom, it is evident at the first glance that these works belong to the southern type and were built by the people who erected those of the Cahokia group or farther south. No opportunity was allowed to investigate the burial mounds or house sites, but slight explorations made in the larger mounds sufficed to reveal the fire-beds so common in southern mounds, thus confirming the impression given by their form. It is probable that these mark the point of the extreme northern extension of the southern mound-building tribes. A colony, probably from the numerous and strong tribe located on Cahokia Creek around the giant Monk's mound, pushed its way thus far and formed a settlement, but, after contending for a time with the hostile tribes which pressed upon it from the north, was compelled to return towards the south.

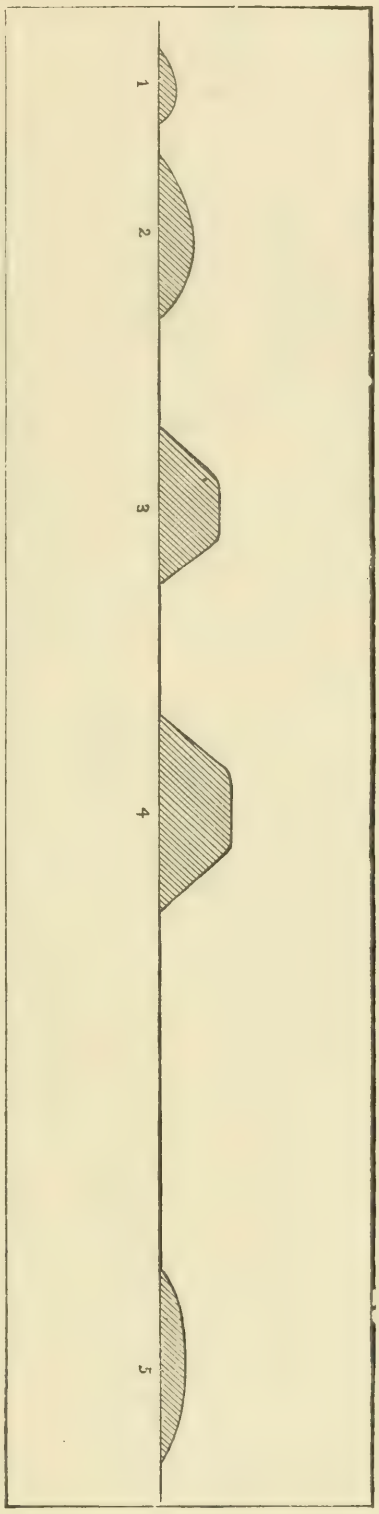


FIG. 17.—Forms of larger mounds of the group shown in Fig. 16.

Passing to the northeastern portion of Missouri, which, as heretofore stated, we include in the North Mississippi or Illinois district, we find a material change in the character of the burial mounds, so marked, in fact, that it is very doubtful whether they should be embraced in the district named. Although differing in minor particulars, the custom of inclosing the remains of the dead in some kind of a receptacle of stone, over which was heaped the earth forming the mound, appears to have prevailed very generally.

The region has been but partially explored, yet it is probable the following examples will furnish illustrations of most of the types to be found in it.

From an article by Messrs. Hardy and Scheetz in the Smithsonian Report for 1881,[1] we learn the following particulars regarding the burial mounds of Ralls County:

Occasionally an isolated one is found, but almost invariably they are in groups of three to ten or more. They are usually placed along the crest of a ridge, but when in the bottoms or on a level bluff they are in direct lines or gentle curves. They are very numerous, being found in almost every bottom and on nearly every bluff. They are usually circular and from 2 to 12 feet high, and are composed wholly of earth, wholly of stone, or of the two combined. Where stone was used the plan seems to have been first to pave the natural surface with flat stones, in one or two thicknesses, for a foundation. In one case the stones were thrown together indiscriminately. Human remains are almost invariably found in them. The bones are generally very much decayed, though each bone is found almost entire except those of the head. This seems to have always rested on a stone, and to have been covered by one or more stones, so that it is always found in a crushed condition. In rare instances stone implements, pipes, etc., are found in the mounds. The remains found in tumuli wholly of stone are much more decayed than in those of mixed material.

One opened by the writers of the article is described by them as follows:

> On the south side of it the bed stone had been formed into a shallow trough. On removing the flat stones which covered this, and which showed no action of fire, we found a bed of charcoal several inches thick, both animal and vegetable, and the limestone which composed it was burned completely through. Some fragments of a human femur were found in a calcined state. There were no indications of fire elsewhere in the mound, but there were the partial remains of several skeletons, lying in two layers, with stone and earth between them.

In another, examined by them, fragments of human bones were found so near the surface as to be reached by the plow; but deeper, on the north sides, were single skeletons laid at length east and west, and between them a mass of bones confused as though thrown in indiscriminately. The diameter of this mound was about 30 feet, height 2½ feet.

In section 24, township 55, range 7, is a small hill, known as "Wilson's Knob." Its crest, which is about 120 feet long, is completely covered with stone to the depth of several feet, the pile being about 20 feet wide. Examination brought to light the fact that this was originally a row of stone mounds or burial vaults, nine in number, circular in form, each from eight to nine feet in diameter (inner measure), and contiguous to one another. Judging from appearances it would seem that each had been of a conical or dome-like form. They were composed wholly of stone, and the remains found in them were almost wholly decomposed.

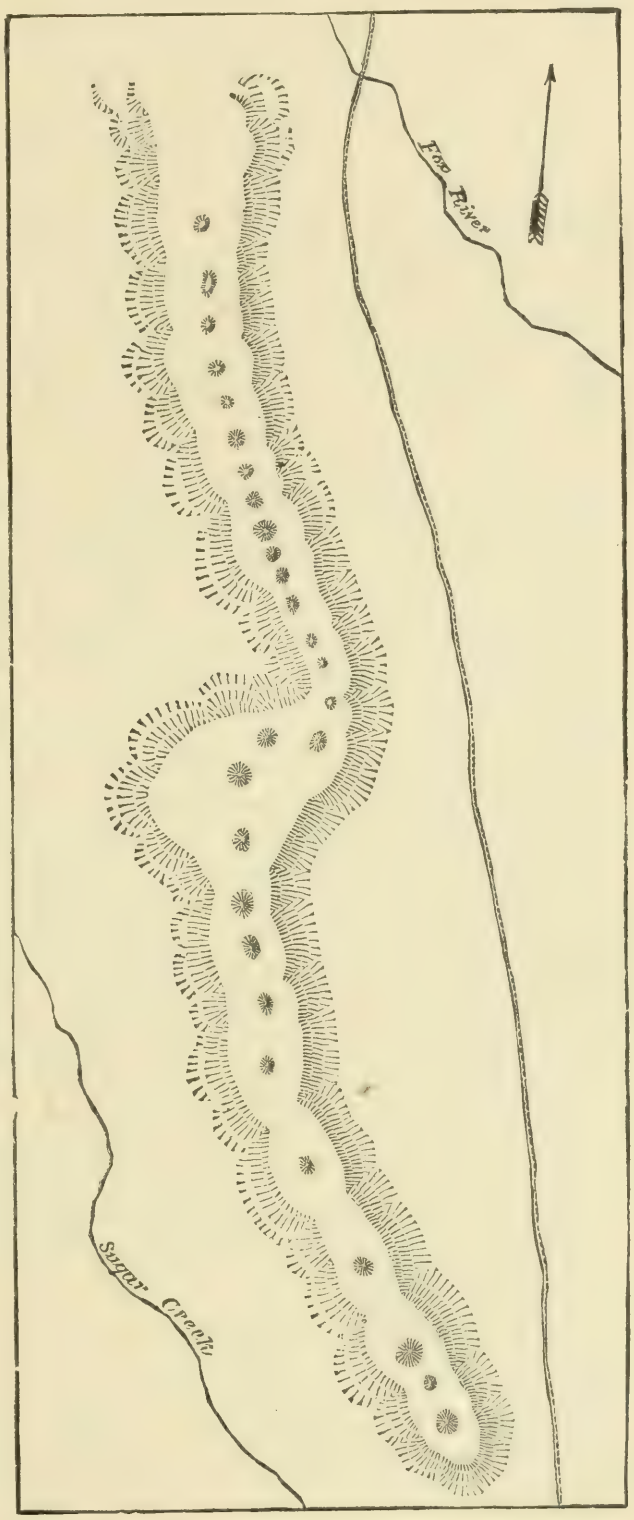
On another ridge the same parties found another row with four stone mounds similar to those described, except that the cists were square

[1] Pages 533–6.

instead of circular, the sides of the latter being equal to the diameter of the former. In these only small fragments of bone could be found.

Although Messrs. Hardy and Scheetz evidently considered these stone structures as receptacles for the dead, and as erected for this purpose, yet it is possible they may have been intended for some other use.

The mounds of Pike County are chiefly of mixed material similar to those mentioned,[1] though some of them contain rectangular stone vaults. One of these vaults, measuring 4 by 5 feet, was found to contain the remains of eight skeletons. Another, a regular box-shaped cist of stone slabs, contained nothing save a few cranial bones very much decayed. Another of large size contained human remains with which were some arrow-heads, a vessel of clay, and a carved steatite pipe, having upon its front a figure-head.



[FIG. 18.—Group of mounds, Clarke County, Missouri.

I have given these particulars in order to show how closely they agree with the discoveries made by the Bureau assistant in this region, from whose notes I take the following description:

Between Fox River and Sugar Creek, in Clarke County, a sharp dividing ridge about 100 feet high extends in a northerly direction for nearly two miles from where these streams enter upon the open bottom of the Mississippi. Scattered irregularly along the crest of this ridge is a line of circular mounds shown in Fig. 18. These range in size from 15 to 50 feet in diameter and from 2 to 6 feet high, and are circular in

[1] Smithsonian Report 1881, p. 537.

form. In No. 3,[1] diameter 35 feet and height 5 feet, situated in the central portion, was found a stone coffin or cist 7 feet long and 2 feet wide, formed of slabs of sandstone in the usual manner. This was covered first with similar slabs and then the whole incased in a layer of rougher stones. Over this was a layer of hard earth, which was evidently in a plastic state when placed there, as it had run into and filled up the interstices. Above this was a foot or more of yellowish earth, similar to that forming the ridge. In the coffin was the skeleton of an adult, lying horizontally on the back, but too far gone to decay to admit of removal. No specimens of art of any kind were found with it.

No. 4, a trifle smaller than No. 3, was opened by running a trench from the eastern margin. For a distance of 15 or 16 feet nothing was encountered except the earth, with which it appeared to be covered to the depth of 2 feet. Here was found a layer of rough stones covering a mass of charcoal and ashes with bones intermixed. In fact the indications leave the impression that one or more persons (or their bones) had been burned in a fire on the natural surface of the earth near the center of the mound, the coals and brands of which were then covered with rough stones thrown in, without any system, to the depth of 3 feet, over a space 10 or 12 feet in diameter, and then covered with earth. Only fragments of charred human bones, pieces of rude pottery, and stone chips were found commingled with the charcoal and ashes.

Another group on the farm of Mr. J. N. Boulware, near the line between Clarke and Lewis counties, was examined by the same party. This group, which is situated on a bench or terrace from 20 to 40 feet above the Mississippi bottoms, consists of some 55 or 60 ordinary circular mounds of comparatively small size.

In one of these, 45 feet in diameter and 5 feet high, were found, near the top, the fragments of a human skeleton much decayed, and broken pottery, encircled by a row of flat stones set up edgewise and covered with others of a similar character. Below these was a layer of very hard light-colored earth, mixed throughout with fragments of charred human bones and pottery, charcoal and stone chips.

Another, about 60 feet in diameter, was found to consist (except the top layer of soil, about 1 foot thick) of hard, dried "mortar" (apparently clay and ashes mixed), in which fragments of charred human bones, small rounded pieces of pottery, and stone scrapers were mingled with charcoal and ashes.

"As all the mounds opened here," remarks the assistant, "presented this somewhat singular feature, I made a very careful examination of this mortar-like substance. I found that there were differences between different portions of the same mound sufficiently marked to trace the separate masses. This would indicate that the mounds were built by successive deposits of mortar thus mixed with charred bones, and not in strata but in masses."

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[1] Counting from the southern end of the line.

THE OHIO DISTRICT.

This, as before stated, includes Ohio, a portion of eastern Indiana, and the western part of West Virginia.

As only very limited explorations have been made in the Ohio portion of this district by the Bureau of Ethnology, I will content myself with a brief allusion to the observations of others.

The descriptions given by Squier and Davis of the few burial mounds they explored are too well known to require repeating here. Their conclusion in regard to them, which has already been alluded to, is stated in general terms as follows:

> Mounds of this class are very numerous. They are generally of considerable size, varying from 6 to 80 feet in height, but having an average altitude of from 15 to 20 or 25 feet. They stand without the walls of enclosures at a distance more or less remote from them.
>
> Many are isolated, with no other monuments near them; but they frequently occur in groups, sometimes in close connection with each other, and exhibiting a dependence which was not without its meaning. They are destitute of altars, nor do they possess the regularity which characterizes the "temple mounds." The usual form is that of a simple cone; sometimes they are elliptical or pear-shaped. These mounds invariably cover a skeleton (in very rare instances more than one, as in the case of the Grave Creek mound), which at the time of interment was enveloped in bark or coarse matting, or inclosed in a rude sarcophagus of timber, the traces and in some instances the very casts of which remain. Occasionally the chamber of the dead is built of stone, rudely laid up, without cement of any kind. Burial by fire seems to have been frequently practiced by the mound-builders. Urn burial also appears to have prevailed to a considerable extent in the Southern States. With the skeletons in these mounds are found various remains of art, comprising ornaments, utensils, and weapons.[1]

For the purpose of conveying to the mind a clear idea of the character of these mounds, I give here a copy of their figure of one of them (Fig. 19), and also of the wooden vault found in it (Fig. 20). This mound, as was the case with most of the burial mounds opened by them, although comparatively large, is without any distinct stratification.

In some cases (see Ancient Monuments, Figs. 52 and 53, p. 164) a layer of bark was first spread on the natural surface of the ground after it had been cleared, leveled, and packed; on this the body was laid at full length. It was then covered with another layer of bark and the mound was heaped over this.

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[1] Ancient Monuments, p. 161. It may be remarked here that the statement that "urn burial appears to have prevailed to a considerable extent in the Southern States" cannot be sustained by facts.

Although no mounds containing stone sepulchers fell under their notice during their explorations, they obtained satisfactory evidence that one within the limits of Chillicothe had been removed, in which a stone coffin, "corresponding very nearly with the *kistvaen* of English antiquarians" was discovered.

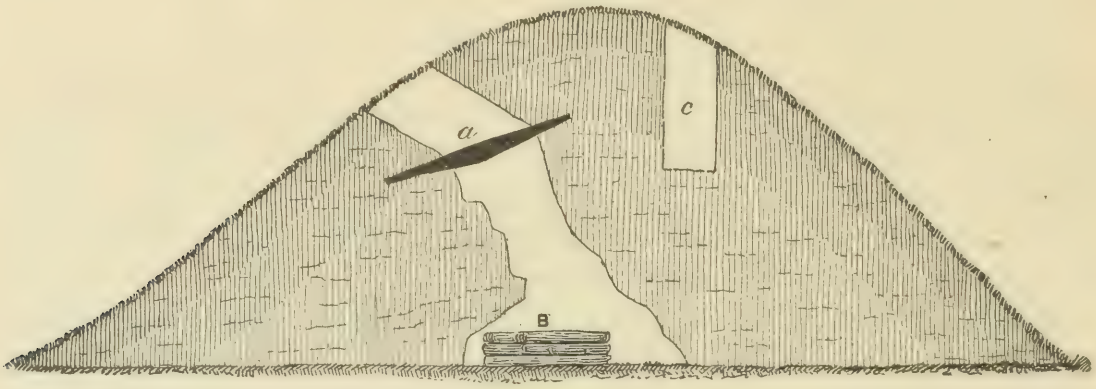

FIG. 19.—Ohio burial mound (after Squier and Davis).

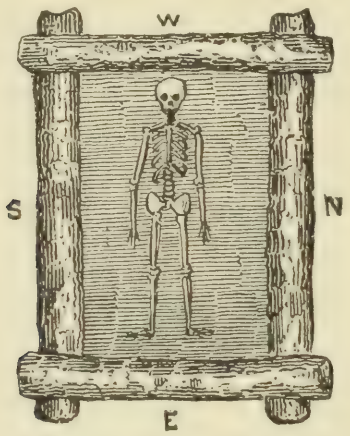

FIG. 20.—Wooden vault (after Squier and Davis).

Some rather singular burial mounds have been described as found in different parts of this State, but unfortunately the descriptions are based largely on memory and second-hand statements and hence do not have that stamp of accuracy and authenticity that is desirable. For example, a large stone mound, which formerly stood a short distance from Newark, is described [1] as conical in form, 182 feet in diameter, and from 40 to 50 feet high, composed of stones in their natural shape. This, upon removal, was found to cover some fifteen or sixteen small earth mounds. In one of these were found human bones and river shells. In another was encountered a layer of hard white fire-clay. Two or three feet below this was a wooden trough. This was overlaid by small logs of wood to serve as a cover, and in it was found a skeleton, around which appeared the impression of a coarse cloth. With it were fifteen copper rings and a "breastplate" of the same metal. The wood of the trough and covering was in a good state of preservation. The clay which covered it was impervious both to air and water. The logs

[1] Smithsonian Report 1866, p. 359.

which overlaid the wooden sarcophagus "were so well preserved that the ends showed the axe marks, and the steepness of the kerf seemed to indicate that some instrument sharper than the stone axe found throughout the West had been employed to cut them."

"In another of these mounds a large number of human bones, but no other relics worthy of note, were found."[1]

In a mound situated in Clear Creek Township, Ashland County, a stone coffin or cist was discovered, constructed of flat stones set up edgewise. It contained six or eight skeletons, "neatly cleaned and packed, in a good state of preservation."[2]

A statement worthy of notice in this connection is made by Mr. H. B. Case in the Smithsonian Report for 1881.[3] The Delaware Indians formerly had a village in the northern part of Green Township, Ashland County, which was still occupied by them when the white settlers reached there in 1809. An examination of their graves in 1876 brought to light the fact that in some cases the dead were buried in stone cists; in others small, round, drift bowlders were placed around the skeletons.

One of the most satisfactory and most important accounts of Ohio burial mounds will be found in a "Report of Explorations of Mounds in Southern Ohio," by Prof. E. B. Andrews, published in the Tenth Annual Report of the Peabody Museum. Speaking of the George Connet mound, in Athens County, he says:

This is a low mound about 6 feet high with a broad base perhaps 40 feet in diameter. It has for years been plowed over and its original height has been considerably reduced. My attention was drawn to this mound by the burnt clay on its top. A trench 5 feet wide was dug through the center. On the east side much burnt yellow clay was found, while on the west end of the trench considerable black earth appeared, which I took to be kitchen refuse.

About 5 feet below the top we came upon large quantities of charcoal, especially on the western side. Underneath the charcoal was found a skeleton with the head to the east. The body had evidently been enclosed in some wooden structure. First there was a platform of wood placed upon the ground, on the original level of the plain. On this wooden floor timbers or logs were placed longitudinally and over these timbers there were laid other pieces of wood, forming an enclosed box or coffin. A part of this wood was only charred, the rest was burnt to ashes. The middle part of the body was in the hottest fire and many of the vertebræ, ribs, and other bones were burnt to a black cinder, and at this point the enclosing timbers were burnt to ashes. The timbers enclosing the lower extremities were only charred.

I am led to think that before any fire was kindled a layer of dirt was thrown over the wooden structure, making a sort of burial. On this dirt a fire was built, but by some misplacement of the dirt the fire reached the timbers below, and at such points as the air could penetrate there was an active combustion, but at others, where the dirt still remained, there was only a smothered fire, like that in a charcoal pit. It is difficult to explain the existence of the charred timbers in any other way. There must have been other fires than that immediately around and above the body, and many of them, because on one side of the mound the clay is burned even to the top of the mound. In one place, 3 feet above the body, the clay is vitrified.

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[1] See, also, Smithsonian Report 1881, p. 596.

[2] Smithonian Report 1877, p. 264.

[3] Page 598.

It is possible that fires were built at different levels, open fires, and that most of the ashes were blown away by the winds which often sweep over the plain. I have stated that there was first laid down a sort of floor of wood, on which the body was placed. On the same floor were placed about 500 copper beads, forming a line almost around the body.

In addition to these copper beads a number of shell beads, and also a hollow copper implement in the shape of a caulker's chisel, were found. The copper implement and beads were made of thin sheet-copper which, Professor Andrews says, had been "hammered out into so smooth and even a sheet that no traces of the hammer were visible. It would be taken indeed for rolled sheet copper." Some of the bones were pretty well preserved.

The professor closes his description with the remark: "The skeleton undoubtedly belonged to a veritable mound-builder." In this he is certainly correct, as the mode of burial in this case agrees so exactly with that observed by Squier and Davis in the larger mounds opened by them as to leave no doubt that both are to be attributed to one people, although the mound described by Professor Andrews is probably of much more recent date than those mentioned by Squier and Davis.

What explanation shall we give of the presence in this work of thin sheet-copper "hammered out into so smooth and even a sheet that no traces of the hammer were visible," and that "would be taken for rolled copper"?

The simple and most natural explanation would be that it was derived from European traders and early adventurers; and such, I am disposed to believe, is the correct one. The distinction between the sheets and ornaments hammered from native copper with the rude implements of the aborigines, and many specimens made of this smooth sheet-copper found in mounds, is too apparent to be overlooked. But of this more hereafter, as I shall have occasion again to refer to the subject.

In another mound, 8 or 9 feet high, in the same county, he found near the top a considerable bed of kitchen refuse; at the bottom, on the original surface, ashes and burnt human bones. "These bones," he remarks, "had evidently been burned before burial, and had been gathered in miscellaneous confusion and placed in a narrow space 5 or 6 inches wide and from 2 to 3 feet long. The ashes were doubtless brought with them, at least there appeared to be no evidences of a local fire in the reddening or hardening of the clay or in remnants of charcoal."

As bearing upon a suggestion made by Colonel Norris, and previously referred to,[1] in regard to the probable use of copper beads found across the limbs of a skeleton, I call attention to another statement of Professor Andrews. Speaking of the School-house mound he says:

At a point near the northwestern corner of the school-house and perhaps 15 feet from the center of the mound, there was plowed up, in extremely hard and dry dirt,

[1] Page 35.

a large piece of what I suppose to have been an ornamented dress. It was covered with copper beads, which were strung on a buckskin string and placed on four layers of the same skin. It was found 8 feet below the original surface of the mound and in extremely hard, dry dirt which had never been disturbed.

From the figure and the description we can have but little doubt that this was a buckskin hunting-shirt, which gives support to Colonel Norris's suggestion.

Recently some interesting burial mounds near Madisonville have been carefully explored by Dr. C. L. Metz in the interest of the Peabody Museum. Only partial notices of these explorations, which are not yet completed, have been published, but we deem these of sufficient importance in this connection to quote freely from them,[1] so far as they serve to illustrate the modes of burial and construction of burial mounds of this region.

Speaking of one of the mounds of a group situated in Anderson Township, Professor Putnam remarks:

Mound 21 of Group C was about 4 feet high and 50 in diameter. It proved to be made entirely of the sandy loam of the immediate vicinity. The remains of five skeletons were discovered at different points in the lower portion of the mound. The bones were nearly all reduced to dust, and only a fragment here and there could be saved. There was not a single relic found with the skeletons, and a few flint chips and a broken arrow-head were the only artificial objects found in the earth composing the mound. The condition of the bones showed considerable antiquity, but their advanced decay and friability were probably largely due to the character of the soil in which they were enclosed. The position of the skeletons rather goes to show that the several bodies were buried at different times, and that the mound was gradually constructed as the burials took place. For the present we are inclined to consider this mound, with some others in the valley, as a place of sepulcher by tribes of a more recent time than the builders of the earthworks of the Turner group.

Mound No. 22 proved to be of a more interesting character than the last. This mound was 14 feet high and about 100 in diameter. It was composed of pure clay, except in the central portion. Five feet from the top there was found a hard mass of burnt earth and ashes, 7 feet deep and a little over 9 feet in width and length. Resting on top of this, about in the center, and covered in part by the overlying clay, lay a large stone celt. A foot below this, in the burnt material, was a stone implement perforated at its upper end. Below this, at points several feet apart, in the burnt mass, were three holes or pockets, each of which contained the remains of portions of human skeletons, surrounded by a thin layer of clay. Near the bones in the lowest pocket were three spear-heads or chipped points. A few potsherds and several flint chips were found throughout the burnt mass. Under it was a circular bed of black soil and ashes, 13 inches thick in the center and 14 feet in diameter, beneath which was a layer of fine sand and gravel, 3 inches thick, which covered another circular bed of black soil and ashes, 14 inches thick in the center and 15 feet in diameter. Directly under the center of this lower layer was a pit 4 feet deep and 10 feet 4 inches long, 4 feet wide at the ends and 3 feet 5 inches wide at the center. This pit probably had contained a wooden structure, as its sides showed rough striations, as if large logs had once rested against them. The pit had been dug in the drift gravel upon which the mound was built, and was nearly filled with soft, spongy ashes mixed with a reddish substance. Extended at full length at the bottom of the pit was a human skeleton, with the head to the west. Among the bones of the neck a single shell bead

[1] See 17th Report Peabody Museum, pp. 339–347.

was found; at the feet were ten stones or small bowlders, such as are common in the drift gravel. It is evident that this interesting tumulus was erected over the grave which was dug in the underlying gravel, and that the human bones placed in the burnt mass above the grave, with the few stone implements found in or on the mass, had some connection with the funeral ceremonies which took place in connection with the burial of the body in the pit below. The regularity of the deposits over the pit, which was under the center of the mound, seems to be sufficient proof of this.

Another mound, nearer the river, situated on an elevated portion of bottom land, was found to differ in construction from any of the others explored in this vicinity. This is described as follows:[1]

According to Mr. William Edwards, sixty years ago it was about 9 feet high, and covered by a heavy forest growth, which also extended over the region about. Over fifty years ago the land was cleared and the mound scraped down by Mr. Edwards, who, after removing about 4 feet of earth from its summit, came to a large quantity of stones, with which were many human bones. Since that time the mound has been plowed over and stones have been taken from it until it has been so nearly leveled as hardly to be noticed. Thus only the base of the mound could be explored; but that has proved of great interest in connection with the other works of the valley. On removing the earth around the base it was found that stones, many of considerable size, had been so arranged as to form a mound about 5 feet high in the center and 90 feet in diameter, over which the earth had been placed to the height of about 4 feet, as stated by Mr. Edwards. In height about one-half of the stone portion of the mound was undisturbed. On removing the outer covering of stones it was found that many burials, probably at least one hundred, had been made in the mound. The remains of seventy-one skeletons were obtained. These skeletons were all more or less crushed by the stones which surrounded them, as, in addition to the outer stones of the mound, each body had been surrounded with stones at the time of its burial. In many instances large slabs of limestone had been used, and in a few cases they were set on edge around the body. In other cases small stones had been piled around and over the bodies, which had been placed in various positions, some extended and others flexed in various ways. With many of the skeletons were stone implements and ornaments, among which were several of the flat stones with two or more perforations, generally known as gorgets. There were also many bone implements, shell and bone ornaments, and cut teeth of bears. Several small copper awls in bone handles, and the shells of box-turtles, were also found with the skeletons. Many fragments of pottery and broken bones of animals were scattered through the mass of stones and human bones. At the feet of the skeleton, in the center of the mound, there was an upright slab of limestone 2 feet long by 20 inches wide, and with this skeleton were the following objects: Resting on the chest was a large ornament made from the apex of a conch shell, with a hole at one edge for suspension; below this, on the ribs, was a spear-shaped gorget, with one hole, and by its side were several shell ornaments, also perforated. Lying near the right femur and parallel with it was a carved bone, grooved on the under side and having two holes; between this and the leg bone were four small pieces of carved bone about an inch in length. In the bones of the right hand was a small awl made of native copper and inserted in a little round handle made of bone, similar to others found with other skeletons in the mound. At the south side of the mound, on the original surface, was a burnt space, on which was a large quantity, several bushels, of broken bones of animals, clam shells, and fragments of pottery mixed with ashes. This mass seems to have existed before the mound was made, or at all events completed, as five of the burials had taken place above it. On the plain about the mound are evidences of the site of a former village, and the annual plowing brings to light many animal remains, fragments of pottery, and stone imple-

[1] 17th Report Peabody Museum, pp. 342–343.

ments of the same character as those from the mound. From this fact, and from the character of the burials in the mound, as well as that of the objects found with the skeletons, and from the absence of the characteristic ornaments found with so many of the human remains in the Turner group and other ancient mounds of the Ohio Valley, we are led to look upon this stone mound as the burial place of a tribe of Indians living in the region subsequent to the builders of the Turner mounds. The remains found in this stone mound, as a whole, indicate that the people here buried were closely connected with those who made the singular ash-pits in the ancient cemetery near Madisonville.[1]

Passing into West Virginia we notice first the celebrated Grave Creek mound. This has been described and figured so often that it is unnecessary for me to do more than call attention to certain particulars in regard to it to which I may desire hereafter to refer by way of comparison. It is in the form of a regular cone, about 70 feet high and nearly 300 feet in diameter at the base. A shaft sunk from the apex to the base disclosed two wooden vaults, the first about half way down and the other at the bottom. In the first or upper one was a single skeleton, decorated with a profusion of shell beads, copper bracelets, and plates of mica. The lower vault, which was partly in an excavation made in the natural ground, was found to be rectangular, 12 by 8 feet and 7 feet high. Along each side and across the ends upright timbers had been placed, which supported other timbers thrown across the vault as a covering. These were covered with a layer of rough stones. In this vault were two human skeletons, one of which had no ornaments, while the other was surrounded with hundreds of shell beads. In attempting to enlarge this vault the workmen discovered around it ten other skeletons. While carrying the horizontal tunnel, several masses of charcoal and burnt bones were encountered after a distance of 12 or 15 feet had been reached.

Before making any comments on the construction of this noted work and the mode of burial in it, I will present some facts recently brought to light in regard to the burial mounds of the Kanawha Valley by the assistants of the Bureau.

A large mound situated on the farm of Col. B. H. Smith, near Charleston, is conical in form, about 175 feet in diameter at the base and 35 feet high. It appears to be double; that is to say, it consists of two mounds, one built on the other, the lower or original one 20 feet and the upper 15 feet high.

The exploration was made by sinking a shaft, 12 feet square at the top and narrowing gradually to 6 feet square at the bottom, down through the center of the structure to the original surface of the ground and a short distance below it. After removing a slight covering of earth, an irregular mass of large, rough, flat sandstones, evidently brought from the bluffs half a mile distant, was encountered. Some of these sandstones were a good load for two ordinary men.

The removal of a wagon load or so of these stones brought to light a

[1] 17th Report Peabody Museum, p. 344.

stone vault 7 feet long and 4 feet deep, in the bottom of which was found a large and much decayed human skeleton, but wanting the head, which the most careful examination failed to discover. A single rough spear head was the only accompanying article found in this vault. At the depth of 6 feet, in earth similar to that around the base of the mound, was found a second skeleton, also much decayed, of an adult of ordinary size. At 9 feet a third skeleton was encountered, in a mass of loose, dry earth, surrounded by the remains of a bark coffin. This was in a much better state of preservation than the other two. The skull, which was preserved, is of the compressed or "flat-head" type.

For some 3 or 4 feet below this the earth was found to be mixed with ashes. At this depth in his downward progress Colonel Norris began to encounter the remains of what further excavation showed to have been a timber vault, about 12 feet square and 7 or 8 feet high. From the condition in which the remains of the cover were found, he concludes that this must have been roof-shaped, and, having become decayed, was crushed in by the weight of the addition made to the mound. Some of the walnut timbers of this vault were as much as 12 inches in diameter.

In this vault were found five skeletons, one lying prostrate on the floor at the depth of 19 feet from the top of the mound, and four others, which, from the positions in which they were found, were supposed to have been placed standing in the four corners. The first of these was discovered at the depth of 14 feet, amid a commingled mass of earth and decaying bark and timbers, nearly erect, leaning against the wall, and surrounded by the remains of a bark coffin. All the bones except those of the left forearm were too far decayed to be saved; these were preserved by two heavy copper bracelets which yet surrounded them.

The skeleton found lying in the middle of the floor of the vault was of unusually large size, "measuring 7 feet 6 inches in length and 19

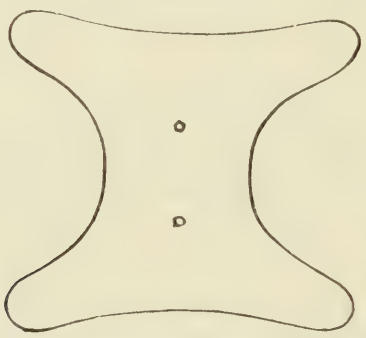


FIG. 21.—Copper gorget from mound, Kanawha County, West Virginia.

inches between the shoulder sockets." It had also been inclosed in a wrapping or coffin of bark, remains of which were still distinctly visible. It lay upon the back, head east, legs together, and arms by the sides. There were *six* heavy bracelets on each wrist; four others were found under the head, which, together with a spear-point of black flint, were incased in a mass of mortar-like substance, which had evidently been wrapped in some textile fabric. On the breast was a copper gorget (Fig.

21). In each hand were three spear-heads of black flint, and others were about the head, knees, and feet. Near the right hand were two hematite celts, and on the shoulder were three large and thick plates of mica. About the shoulders, waist, and thighs were numerous minute perforated shells and shell beads.

While filling in the excavation, the pipe represented in Fig. 22 was

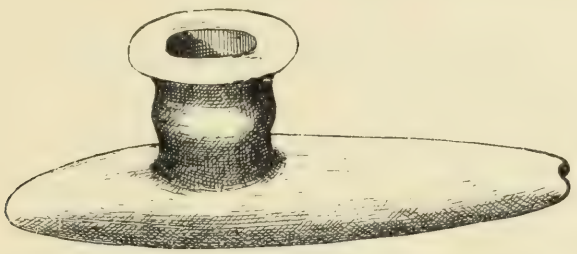


FIG. 22.— Pipe from mound, Kanawha County, West Virginia.

found in the dirt which had been removed from it. This pipe has been carved out of gray steatite and highly polished. It is worthy of note that it is precisely of the form described by Adair as made by the Cherokees, and also that it approaches very near to an Ohio type (Fig. 23).

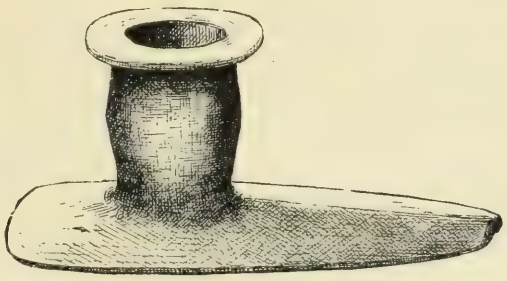


FIG. 23.—Pipe from mound, Butler County, Ohio.

Another mound of rather large size, in the same locality, was opened by the Bureau assistant.

In order that all the facts bearing on its uses may be understood it is necessary to notice its immediate surroundings.

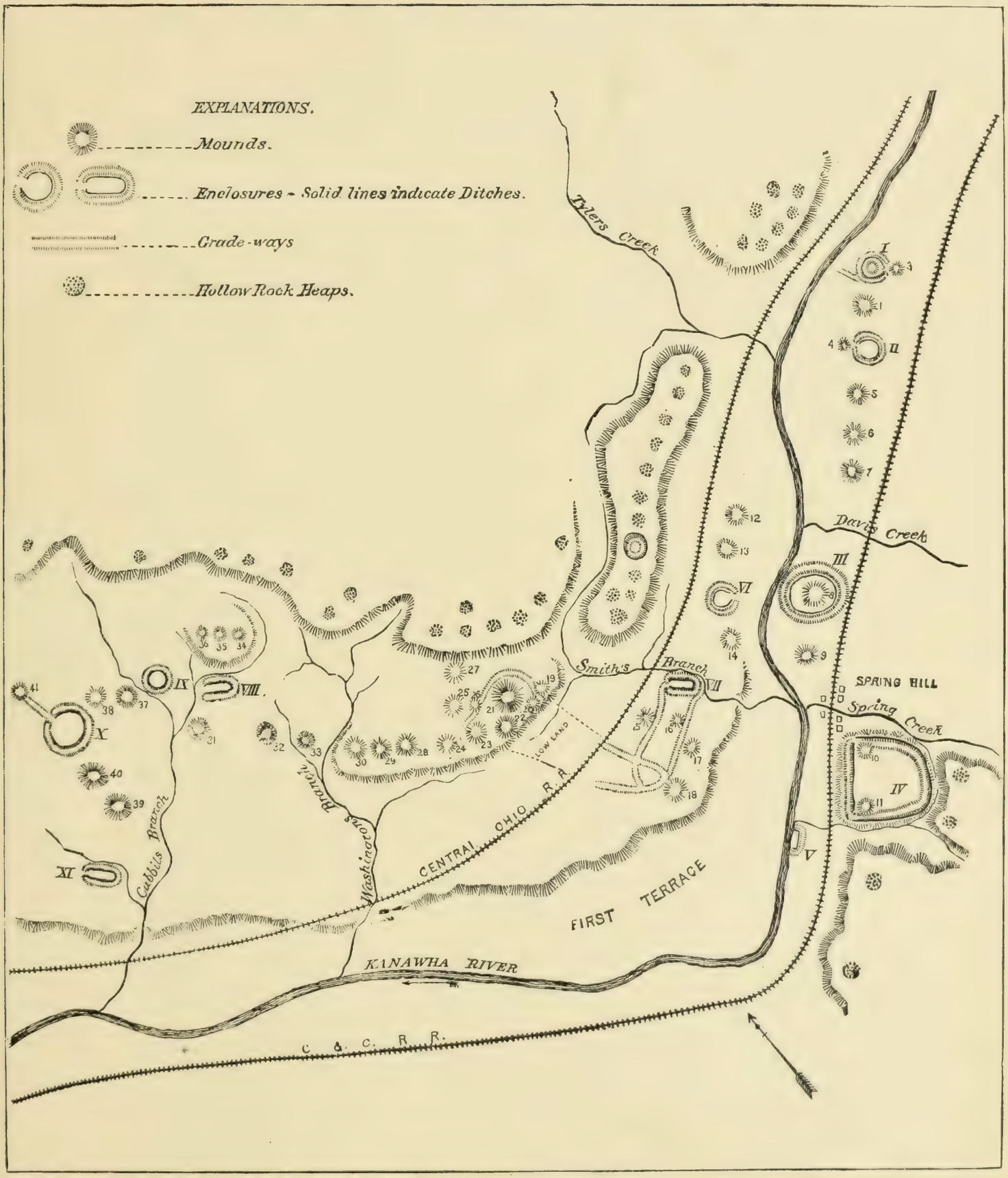
Plate V is a map showing the ancient works in the valley of the Kanawha, from 3 to 5 miles below Charleston, and Plate VI is an enlarged plat of the area embracing those numbered I, II and 1, 3, and 4 on the map. As will be seen by an inspection of the latter plate, the works included are two circular enclosures, 1 and 2; one excavation; one included mound, 2; three mounds, 3, 1, and 4, outside of the enclosures; and a graded way. As our attention at present is directed only to the large mound, 1, it is unnecessary to notice the other works further than to add that each enclosure is about 220 feet in diameter, and consists of a circular wall and an inside ditch. The excavation is nearly circular and about 140 feet in diameter. The large mound is conical in form, 173 feet in diameter, and 33 feet high. It is slightly truncated, the top having been leveled off some forty years ago for the purpose

of building a judge's stand in connection with a race-course that was laid out around the mound.

A shaft 12 feet square at the top and narrowing downward was sunk to the base. At the depth of 4 feet, in a very hard bed of earth and ashes mixed, were found two much decayed human skeletons, both stretched horizontally on their backs, heads south, and near their heads several stone implements. From this point until a depth of 24 feet was reached the shaft passed through very hard earth of a light-gray color, apparently clay and ashes mixed, in which nothing of consequence was found. When a depth of 24 feet was reached the material suddenly changed to a much softer and darker earth, disclosing the casts and some decayed fragments of timbers from 6 to 12 inches in diameter. Here were found fragments of bark, ashes, and also numerous fragments of animal bones, some of which had been split lengthwise. At the depth of 31 feet was a human skeleton, lying prostrate, head north, which had evidently been enclosed in a coffin or wrapping of elm bark. In contact with the head was a thin sheet of hammered native copper. By enlarging the base of the shaft until a space some 16 feet in diameter was opened, the character and the contents of the base of the mound were more fully ascertained. This brought to light the fact that the builders, after having first smoothed, leveled, and packed the natural surface, carefully spread upon the floor a layer of bark (chiefly elm), the inner side up, and upon this a layer of fine white ashes, clear of charcoal, to the depth, probably, of 5 or 6 inches, though pressed now to little more than 1 inch. On this the bodies were laid and presumably covered with bark.

The enlargement of the shaft also brought to view ten other skeletons, all apparently adults, five on one side and five on the other side of the central skeleton, and, like it, extended horizontally, with their feet pointing toward the central one but not quite touching it. Like the first, they had all been buried in bark coffins or wrappings. With each skeleton on the east side was a fine, apparently unused lance-head about 3 inches long, and by the right side of the northern one a fish-dart, three arrowheads, and some fragments of *Unio* shells and pottery. No implements or ornaments were found with either of the five skeletons on the west side, although careful search was made therefor. In addition to the copper plate, a few shell beads and a large lance-head were found with the central skeleton. As there were a number of holes resembling post-holes, about the base, which were filled with rotten bark and decayed vegetable matter, I am inclined to believe there was a vault here similar to the lower vault in the Grave Creek mound, in which the walls were of timbers set up endwise in the ground. But it is proper to state that the assistant who opened the mound is rather disposed to doubt the correctness of this explanation.

In order to show the character of the smaller burial mounds of this region, I give descriptions of a few opened by Colonel Norris.



PLAT OF ANCIENT WORKS, KANAWHA COUNTY, W. VA.

One 20 feet in diameter and 7 feet high, with a beech tree 30 inches in diameter growing on it, was opened by running a broad trench through it. The material of which it was composed was yellow clay, evidently from an excavation in the hillside near it. Stretched horizontally on the natural surface of the ground, faces up and heads south, were seven skeletons, six adults and one child, all charred. They were covered several inches thick with ashes, charcoal, and fire-brands, evidently the remains of a very heavy fire which must have been smothered before it was fully burned out. Three coarse lance-heads were found among the bones of the adults, and around the neck of the child three copper beads, apparently of hammered native copper.

Another mound, 50 feet in diameter and 5 feet high, standing guard, as it were, at the entrance of an inclosure, was opened, revealing the following particulars: The top was strewn with fragments of flat rocks, most of which were marked with one or more small, artificial, cup-shaped depressions. Below these, to the depth of 2 or 3 feet, the hard yellow clay was mixed throughout with similar stones, charcoal, ashes, stone chips, and fragments of rude pottery. Near the center and 3 feet from the top of the mound were the much decayed remains of a human skeleton, lying on its back, in a very rude stone-slab coffin. Beneath this were other flat stones, and under them charcoal, ashes, and baked earth, covering the decayed bones of some three or four skeletons which lay upon the original surface of the ground. So far as could be ascertained, the skeletons in this mound lay with their heads toward the east. No relics of any kind worthy of notice were found with them.

Another mound of similar size, upon a dry terrace, was found to consist chiefly of very hard clay, scattered through which were stone chips and fragments of rude pottery. Near the natural surface of the ground a layer of ashes and charcoal was encountered, in which were found the remains of at least two skeletons.

A mound some 200 yards south of the inclosure, situated on a slope and measuring 50 feet in diameter and 6 feet in height, gave a somewhat different result. It consisted wholly of very hard clay down to the natural surface of the hill-slope. But further excavation revealed a vault or pit in the original earth 8 feet long, 3 feet wide, and 3 feet deep at the upper end. In this was found a decayed skeleton, with the head up hill or toward the north. Upon the breast was a sandstone gorget, and upon it a leaf-shaped knife of black flint and a neatly polished hematite celt. The bones of the right arm were found stretched out at right angles to the body, along a line of ashes. Upon the bones of the open hand were three piles (five in each) of small leaf-shaped flint knives.

As the four small mounds just mentioned pertain to the Clifton groups, in the Elk River Valley, we will call attention to one or two of the Charleston group, for the purpose of affording the reader the means of comparison.

Below the center of No. 7 (see Plate), sunk into the original earth, was a vault about 8 feet long, 3 feet wide, and 3 feet deep. Lying ex-

tended on the back in the bottom of this, amid the rotten fragments of a bark coffin, was a decayed human skeleton, fully 7 feet long, with head west. No evidence of fire was to be seen, nor were any stone implements discovered, but lying in a circle just above the hips were fifty circular pieces of white perforated shell, each about 1 inch in diameter and an eighth of an inch thick. The bones of the left arm lay by the side of the body, but those of the right arm, as in one of the mounds heretofore mentioned, were stretched at right angles to the body, reaching out to a small oven-shaped vault, the mortar or cement roof of which was still unbroken. The capacity of this small circular vault was probably two bushels, and the peculiar appearance of the dark-colored deposit therein, and other indications, led to the belief that it had been filled with corn (maize) in the ear. The absence of weapons would indicate that the individual buried here was not a warrior, though a person of some importance.

Mound No. 23 of this group presents some peculiarities worthy of notice. It is 312 feet in circumference at the base and 25 feet high, covered with a second growth of timber, some of the stumps of the former growth yet remaining. It is unusually sharp and symmetrical. From the top down the material was found to be a light-gray and apparently mixed earth, so hard as to require the vigorous use of the pick to penetrate it. At the depth of 15 feet the explorers began to find the casts and fragments of poles or round timbers less than a foot in diameter. These casts and rotten remains of wood and bark increased in abundance from this point until the original surface of the ground was reached. By enlarging the lower end of the shaft to 14 feet in diameter it was ascertained that this rotten wood and bark were the remains of what had once been a circular or polygonal, timber-sided, and conical-roofed vault. Many of the timbers of the sides and roof, being considerably longer than necessary, had been allowed to extend beyond the points of support often 8 or 10 feet, those on the sides beyond the crossing and those of the roof downward beyond the wall. Upon the floor and amid the remains of the timber were numerous human bones and also two whole skeletons, the latter but slightly decayed, though badly crushed by the weight pressing on them, but unaccompanied by an ornament or an implement of any kind. A further excavation of about 4 feet below the floor, or what was supposed to be the floor, of this vault, and below the original surface of the ground, brought to light six circular, oven-shaped vaults, each about 3 feet in diameter and the same in depth. As these six were so placed as to form a semicircle, it is presumed there are others under that portion of the mound not reached by the excavation. All were filled with dry, dark dust or decayed substances, supposed to be the remains of Indian corn in the ear, as it was similar to that heretofore mentioned. In the center of the circle indicated by the positions of these minor vaults, and the supposed center of the base of the mound (the shaft not being exactly central), and but 2 feet below the floor of the main vault, and in a fine mortar or cement, were

found two cavities resembling in form the bottle or gourd shaped vessel so frequently met with in the mounds of southeastern Missouri and northeastern Arkansas. Unfortunately the further investigation of this work was stopped at this stage of progress by cold weather.

In another mound of this group the burial was in a box-shaped stone vault, not of slabs in the usual method, but built up of rough, angular stones.

Mound 31 of this group seems to furnish a connecting link between the West Virginia and the Ohio mounds. It is sharp in outline, has a steep slope, and is flattened on the top; is 318 feet in circumference at the base and about 25 feet high. It was opened by digging a shaft 10 feet in diameter from the center of the top to the base. After passing through the top layer of surface soil, some 2 feet thick, a layer of clay and ashes 1 foot thick was encountered. Here, near the center of the shaft, were two skeletons, lying horizontally, one immediately over the other, the upper and larger one with the face down and the lower with the face up. There were no indications of fire about them. Immediately over the heads were one celt and three lance-heads. At the depth of 13 feet and a little north of the center of the mound were two very large skeletons, in a sitting posture, with their extended legs interlocked to the knees. Their arms were extended and their hands slightly elevated, as if together holding up a sandstone mortar which was between their faces. This stone is somewhat hemispherical, about 2 feet in diameter across the top, which is hollowed in the shape of a shallow basin or mortar. It had been subjected to the action of fire until burned to a bright red. The cavity was filled with white ashes, containing small fragments of bones burned to cinders. Immediately over this, and of sufficient size to cover it, was a slab of bluish-gray limestone about 3 inches thick, which had small cup-shaped excavations on the under side. This bore no marks of fire. Near the hands of the eastern skeleton were a small hematite celt and a lance-head, and upon the left wrist of the other two copper bracelets. At the depth of 25 feet, and on the natural surface, was found what in an Ohio mound would have been designated an "altar." This was not thoroughly traced throughout, but was about 12 feet long and over 8 feet wide, of the form shown in Fig. 24.

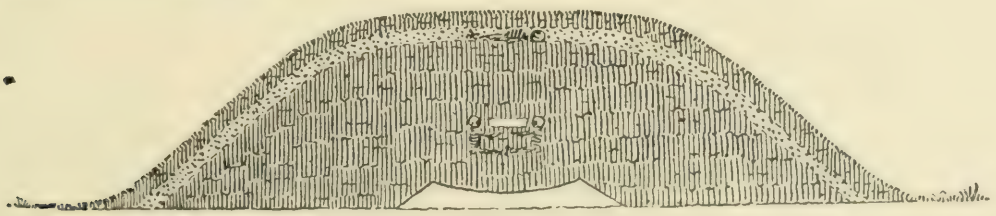


FIG. 24.—Mound with so-called "altar," Kanawha County, West Virginia.

It consisted of a layer of well-prepared mortar, apparently clay, slightly mixed with ashes. This was not more than 6 or 8 inches thick in the center of the basin-shaped depression, where it was about 1 foot

lower than at the other margin. It was burned to a brick-red and covered with a compact layer of very fine white ashes, scattered thickly, through which were small water-worn bowlders, bearing evidences of having undergone an intense heat. Mingled with this mass were a few thoroughly charred human bones. The material of the shaft, after the first 3 feet at the top, consisted almost wholly of finely packed ashes, which appeared to have been deposited at intervals of considerable length and not at one time.

It is evident from this description, which is abridged from the report of the assistant, that we have here a true representation of the so-called "altars" of the Ohio mounds. But, contrary to the usual custom, as shown by an examination of the Ohio works, this mound appears to have been used by the people who erected it as a burial place, for the mode of construction and the material used for the body of it forbid the supposition that the lower burial was by a different people from those who formed the clay structure at the base.

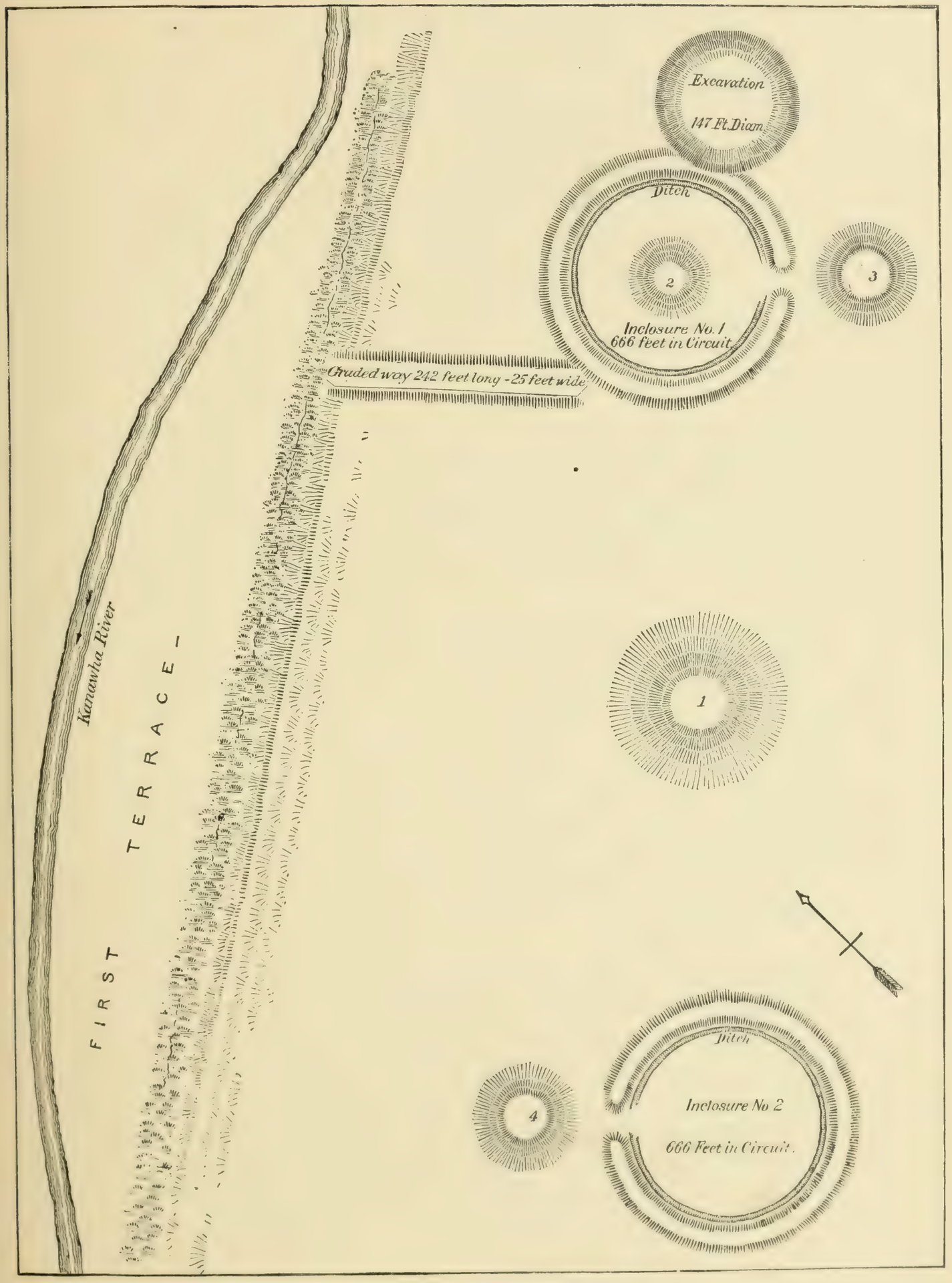
It is proper to state that around and near the inclosure (No. 7 of Plate V) were a number of stone graves of the ordinary box shape, constructed in the usual way, of stone slabs.

At this place was also discovered a pit or cache resembling those found at Madisonville, Ohio. A more thorough examination will probably bring to light others.

The descriptions of other burial mounds of this region, differing slightly in minor details from those mentioned, might be presented, but the foregoing will suffice to give the types and show the character of the structures of this kind in this section. The details given will, I think, satisfy any one that the authors of these structures were also the authors of the Ohio works, or that they belonged to tribes so closely related that we may justly consider them as one people.

I have been and am still disposed to connect the mound-builders of the Kanawha valley with those of western North Carolina, but our explorations in the two sections have convinced me of their close relation to the people whose mysterious monuments dot the hills and valleys of Ohio. That they were related in some way to the mound-builders of North Carolina and East Tennessee is more than probable, but the key to unlock this mystery, if it exists anywhere, is most likely to be found in the history, traditions, and works of the Cherokees, and the traditions relating to the Tallegwi.

As a result of my examination and discussion of the burial mounds of Wisconsin, I reached the conclusion that they were built by the Indian tribes found inhabiting that section at the advent of the whites, or by their ancestors. The data, of which but a comparatively small portion is given, seem to justify this conclusion. But the case is somewhat different in reference to the works of the Ohio district. Although the data obtained here point with satisfactory certainty to the conclusion that Indians were the authors of these works, it cannot be claimed that


Excavation
147 Ft. Diam.
Ditch
2
3
Inclosure No. 1
666 feet in Circuit.
Graded way 242 feet long - 25 feet wide
Kanawha River
FIRST TERRACE
1
Ditch
Inclosure No 2
666 Feet in Circuit.
4

all or even the larger portion of them were built by Indians inhabiting the district when first visited by the whites, or by their ancestors.

Hence the mystery which enshrouds them is deeper and much more difficult to penetrate than that which hangs about the antiquities of some of the other districts; in fact, they present probably the most difficult problem for solution in this respect of any ancient works of our country. That some of the burial mounds, graves, and other works are to be attributed to Indians who entered this district after the Europeans had planted colonies in Canada and along the Atlantic coast is probably true, but that much the greater portion of the typical works belong to a more distant period must be conceded. It is a singular fact that in the latter half of the seventeenth century, when European explorers began to penetrate into this region, what is now the State of Ohio was uninhabited.

The Miami confederacy, inhabiting the southern shore of Lake Michigan, extended southeasterly to the Wabash. The Illinois confederacy extended down the eastern shore of the Mississippi to about where Memphis now stands. The Cherokees occupied the slopes and valleys of the mountains about the borders of what is now East Tennessee, North Carolina, and Georgia. The great basin bounded north by Lake Erie, the Miamis, and the Illinois, west by the Mississippi, east by the Alleghanies, and south by the headwaters of the streams that flow into the Gulf of Mexico, seems to have been uninhabited except by bands of Shawnees, and scarcely visited except by war parties of the Five Nations.[1]

With the exception of some slight notices of the Erie or Cat Nation dwelling south of Lake Erie, the mere mention of the Tongarias (possibly but another name for the Eries, with whom Colden identifies them), located somewhere on the Ohio, and the tradition regarding the Tallegwi, the only history which remains to us regarding this region previous to the close of the seventeenth century, is to be gathered from the ancient monuments which dot its surface. Even conjecture can find but few pointers on this desert field to give direction to its flight. But it does not necessarily follow, because we are unable to determine the direction in which the goal we are seeking lies, that we cannot tell some of the directions in which it does not lie, and thus narrow the field of our investigation. I will therefore venture to offer the following suggestions:

As the evidence in regard to the antiquities of the northwestern, the southern, and the Appalachian districts points so decidedly to the Indians as the authors, I think we may assume that the works of Ohio are attributable to the same race. As they bear a strong resemblance in several respects to the West Virginia and North Carolina works, and as the geographical positions of the defensive works indicate pressure from the north and north-west, we are perhaps justified in excluding from consideration all tribes known to have had their principal seats north of the Ohio in historic times, except the Eries, which form an uncertain and so far indeterminable factor in the problem.

[1] Early Notices of the Indians of Ohio, by M. F. Force, 1879, p. 3.

The data so far obtained seem to me to indicate the following as the most promising lines of research: The possible identity or relation of the Tallegwi and the Cherokees; the possibility of this region having been the ancient home of the Shawnees or their ancestors (though I believe the testimony of the mounds is most decidedly against this and the following supposition); and the theory that the builders of these works were driven southward and were merged into the Chahta-Muscogee family.

Be our conclusion on this question what it may, one important result of the explorations in this northern section of the United States is the conviction that there was during the mound-building age a powerful tribe or association of closely allied tribes occupying the valley of the Ohio, whose chief seats were in the Kanawha, Scioto, and Little Miami Valleys. We might suppose that one strong tribe had occupied successively these various points, yet the slight though persistent differences in methods and customs indicated by the works seem to favor the other view. Moreover, the data furnished by the burial mounds lead to the conclusion that all the works of these localities are relatively contemporaneous. Not that those of either section are all of the same age, perhaps by some two or three or possibly more centuries, but that those of one section, as a whole, are relatively of the same age as those of the other sections. Nevertheless a somewhat careful study of all the data bearing on this subject leads me to the conclusion that the Cherokees are the modern representatives of the Tallegwi, and that most of the typical works of Ohio and West Virginia owe their origin to this people.

In each section there are some indications that the authors of these works followed the custom of erecting burial mounds down to the time the Europeans appeared on the continent. These evidences have not been given here, as it is not my intention to discuss them in this paper.

In Ohio there are undoubted evidences of one, if not two, waves of population subsequent to the occupancy of that region by the builders of the chief works. But these were of comparatively short duration, and were evidently Indian hordes pressed westward and southward by the Iroquois tribes and the advance of the whites.

THE APPALACHIAN DISTRICT.

This district, as already defined, includes East Tennessee, western North Carolina, southwestern Virginia, and the southeastern part of Kentucky. It is probable that northeastern Georgia and the northwestern part of South Carolina should be included, but the investigations in most of the sections named have not been sufficiently thorough to enable us to fix with any degree of certainty the boundaries of the district.

Although there is uncertainty in reference to the area occupied by the people who left behind them the antiquities found in this region, there can be no doubt that here we find a class of burial mounds differing in several important respects from any we have so far noticed.

Some of the most important mounds of this class found in this district were discovered in Caldwell County, North Carolina, and opened in 1882 by Mr. J. P. Rogan, one of the Bureau assistants, aided by Dr. J. M. Spainhour, a resident of the county.

As Mr. Rogan's descriptions are somewhat full, I give them substantially as found in his report:

The T. F. Nelson mound.—This mound, so insignificant in appearance as scarcely to attract any notice, was located on the farm of Rev. T. F. Nelson, in Caldwell County, North Carolina, on the bottom land of the Yadkin, about 100 yards from the river-bank. It was almost a true circle in outline, 38 feet in diameter, but not exceeding at any point 18 inches in height. The thorough excavation made revealed the fact that the builders of the mound had first dug a circular pit, with perpendicular margin, to the depth of 3 feet, and 38 feet in diameter, then deposited their dead in the manner hereafter shown, and afterwards covered them over, raising a slight mound above the pit.

A plan of the pit, drawn at the time (after the removal of the dirt), showing the stone graves and skeletons, is given in Fig. 25.

The walled graves or vaults and altar-shaped mass were built of water worn bowlders and clay or earth merely sufficient to hold them in place.

No. 1, a stone grave or vault standing exactly in the center of the pit. In this case a small circular hole, a little over 3 feet in diameter and extending down 3 feet below the bottom of the large pit, had been dug, the body or skeleton placed perpendicularly upon its feet, and the wall built up around it from the bottom of the hole, converging, after a height of 4 feet was reached, so as to be covered at the top by a single soapstone rock of moderate size. On the top of the head of the skeleton and immediately under the capstone of the vault were found several

plates of silver mica, which had evidently been cut with some rude implement. Although the bones were much decayed, yet they were retained in position by the dirt which filled the vault, an indication that the flesh had been removed before burial and the vault filled with dirt as it was built up.

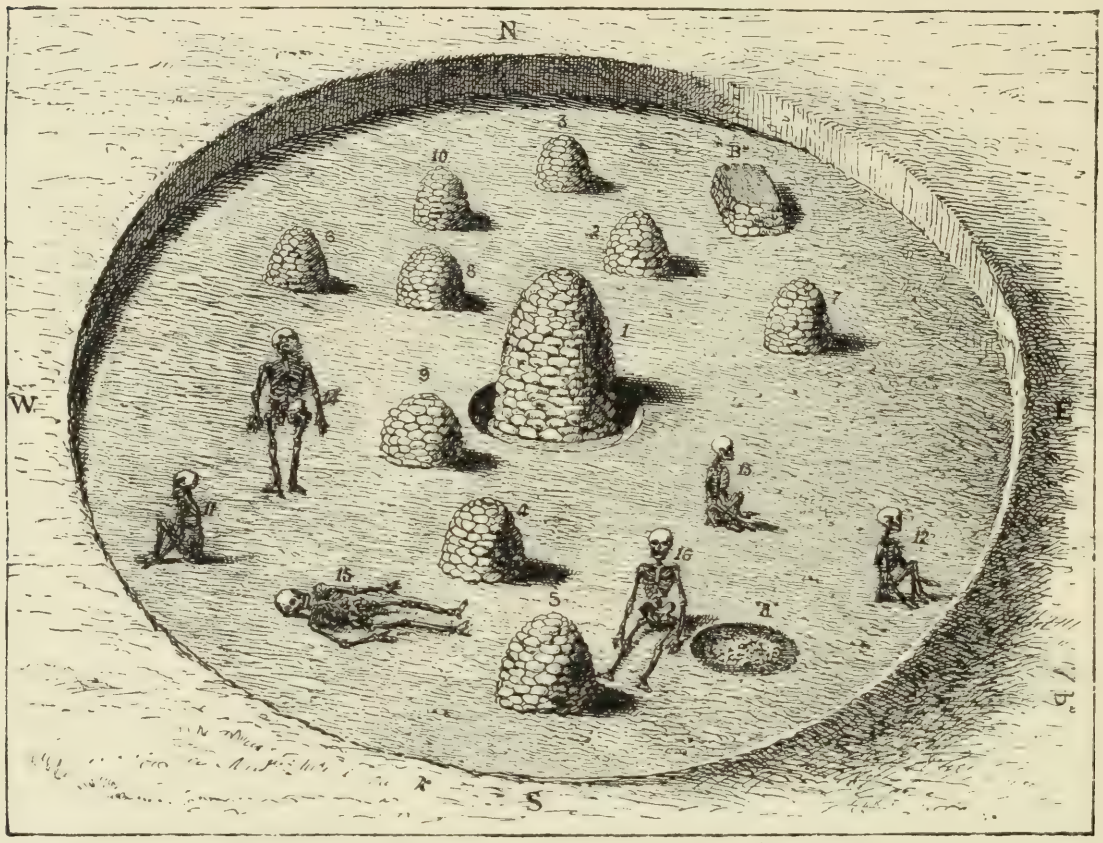


FIG. 25.—Appearance of T. F. Nelson mound after excavation.

Nos. 2, 3, 4, 5, 6, 7, 8, 9, and 10, although walled around in a similar manner, were in a sitting posture on the bottom of the pit. In the grave of No. 2 was found a polished celt, in that of No. 3 a single discoidal stone, in that of No. 6 two polished celts, and immediately over No. 9 a pitted stone.

Nos. 11, 12, and 13 are three skeletons in a squatting posture, with no wall around them and unaccompanied by relics of any kind.

Nos. 14 and 15 are two uninclosed skeletons, lying horizontally at full length. With the former some pieces of broken soapstone pipes were found, and with the latter one polished celt.

No. 16, an uninclosed "squatter," of unusually large size, not less than 7 feet high when living. Near the mouth was an uninjured soapstone pipe. The legs were extended in a southwest direction, upon a bed of burnt earth.

The faces of all the squatting skeletons were turned away from the standing central one.

At A was found a considerable quantity of black paint in little lumps, which appear to have been molded in the hull of some nut. At B was

a cubical mass of water-worn bowlders, built up solidly and symmetrically, 24 inches long, 18 inches wide, and 18 inches high, but with no bones, specimens of art, coal, ashes, or indications of fire on or around it. Many of the stones of the vaults and the earth immediately around them, on the contrary, bore unmistakable evidences of fire; in fact, the heat in some cases left its mark on the bones of the inclosed skeletons, another indication that the flesh had been removed before burial here, either by previous burial or otherwise.

Scattered through the dirt which filled the pit were small pieces of pottery and charcoal. The bottom and sides of the pit were so distinctly marked that they could be traced without difficulty.

This mound stood about 75 yards south of the triangular burial pit described below.

The T. F. Nelson triangle.—This is the name applied by Mr. Rogan to an ancient triangular burying ground found on the same farm as the mound just described and about 75 yards north of it.

It is not a mound, but simply a burial pit in the form of a triangle, the two longest sides each 48 feet and the (southern) base 32 feet, in

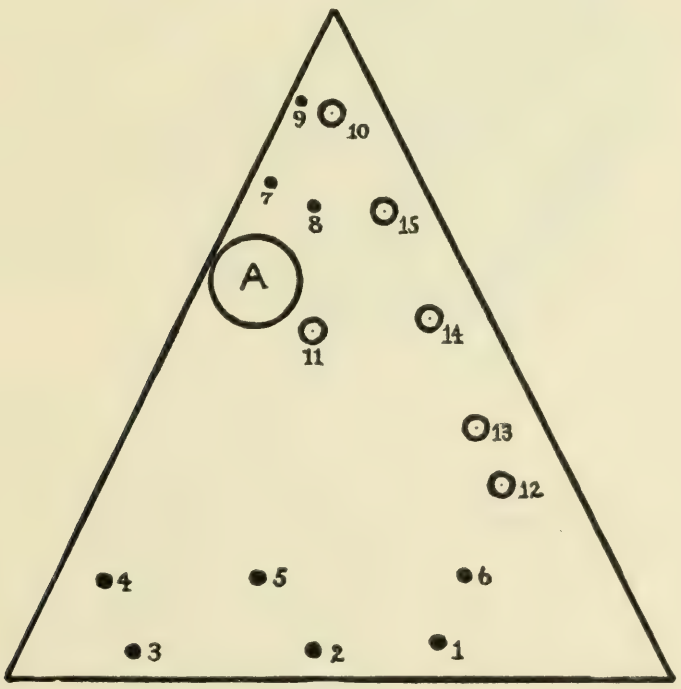


FIG. 26.—Burials in the T. F. Nelson triangle, Caldwell County, North Carolina.

which the bodies and accompanying articles were deposited and then covered over, but not heaped up into a mound; or, if so, it had subsequently settled until on a level with the natural surface of the ground. The apex, which points directly north, was found to extend within 3 feet of the break of the bank of the Yadkin River, the height above the usual water-level being about 12 feet. The depth of the original excavation, the lines of which could be distinctly traced, varied from 2½ to 3 feet. A rude sketch of this triangle, showing the relative positions of the skeletons, is given in Fig. 26.

Nos. 1, 2, 3, 4, 5, 6, 7, 8, and 9 indicate the positions of single skeletons found lying horizontally, on their backs, heads east and northeast. With No. 2 was found a broken soapstone pipe, and with Nos. 5 and 9 one small polished celt each.

Nos. 10, 11, 12, 13, 14, and 15 indicate the positions of skeletons inclosed in rude stone vaults built of cobblestones and similar to those in the preceding mound. (See Fig. 25.) Nos. 10, 12, 13, and 15 were in a sitting posture, without any accompanying articles.

Graves 11 and 14 contained each two bodies, extended horizontally, the lower ones, which were of smaller stature than the upper ones, face up and with heavy flat stones on the extended arms and legs. The upper ones, with face down, were resting on those below. No implements or ornaments were found with them.

Near No. 12 about a peck of singular, pinkish-colored earth was found.

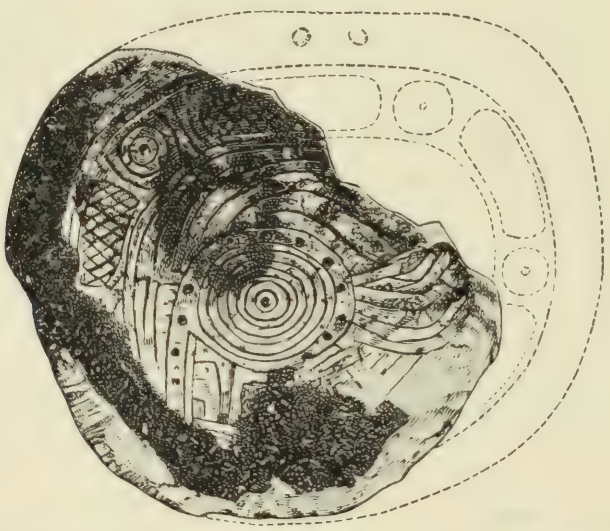


FIG. 27.—Engraved shell gorget from mound, Caldwell County, North Carolina.

In the northwest part of the triangle (at A in Fig. 26) ten or more skeletons were found in one grave or group, which from the arrangement the explorers concluded must have been buried at one time; the "old chief" (?), or principal personage of the group, resting horizontally on his face, with his head northeast and feet southwest. Under his head was a large engraved shell gorget (Fig. 27); around his neck were a number of large-sized shell beads, evidently the remains of a necklace; at the sides of the head, near the ears, were five elongate copper beads, or rather small cylinders, varying in length from one and a quarter to four and a half inches, part of the leather thong on which the smaller were strung yet remaining in them. These are made of thin pieces of copper cut into strips and then rolled together so that the edges meet in a straight joint on one side. (See Fig. 28.) The plate out of which they were made was as smooth and even in thickness as though it had been rolled.

A piece of copper was also under his breast. His arms were partially extended, his hands resting about a foot from his head. Around

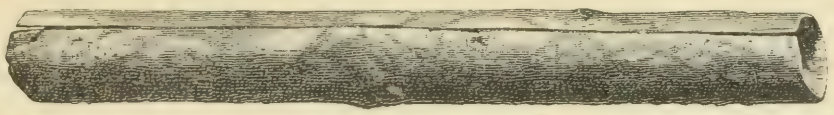


FIG. 28.—Cylindrical copper bead from mound, Caldwell County, North Carolina.

each wrist were the remains of a bracelet composed of copper and shell beads, alternating, thus (Fig. 29):

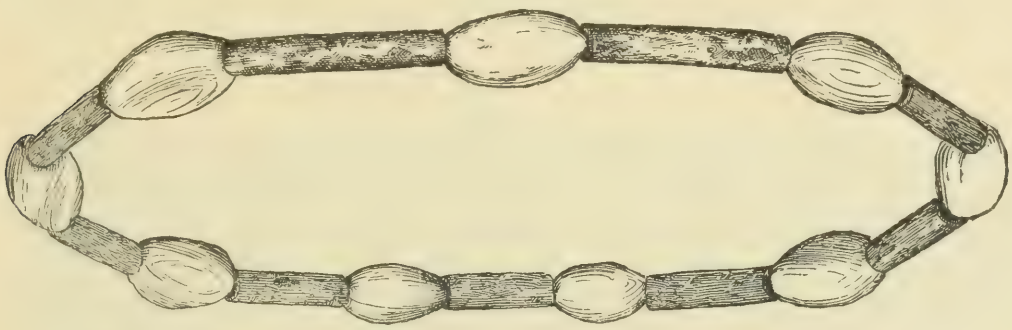


FIG. 29.—Bracelet of copper and shell beads, Caldwell County, North Carolina.

At his right hand were four iron specimens, much corroded but still showing the form. Two of them were of uniform thickness, one not sharpened at the ends or edges, the other slightly sharpened at one end, 3 to 3½ inches long, 1 to 1½ inches broad, and about a quarter of an inch thick. The form is shown in Fig. 30. Another is 5 inches long,

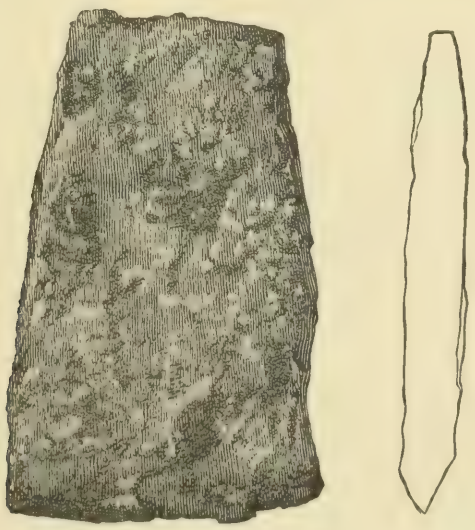


FIG. 30.—Iron celt from mound, Caldwell County, North Carolina.

slightly tapering in width from one and an eighth to seven-eighths of an inch, both edges sharp; it is apparently part of the blade of a long, slender, cutting or thrusting weapon of some kind, as a sword, dagger, or knife. (Shown in Fig. 31.) The other specimen is part of a

round, awl-shaped implement, a small part of the bone handle in which it was fixed yet remaining attached to it.

Under his left hand was another engraved shell, the concave surface upward and filled with shell beads of all sizes.

Around and over the skeleton of this chief personage, with their heads near his, were nine other skeletons. Under the heads of two of these were two engraved shells. Scattered over and between the ten skeletons of the group were numerous polished celts, discoidal stones, copper arrow-points, plates of mica, lumps of paint, black lead, etc.

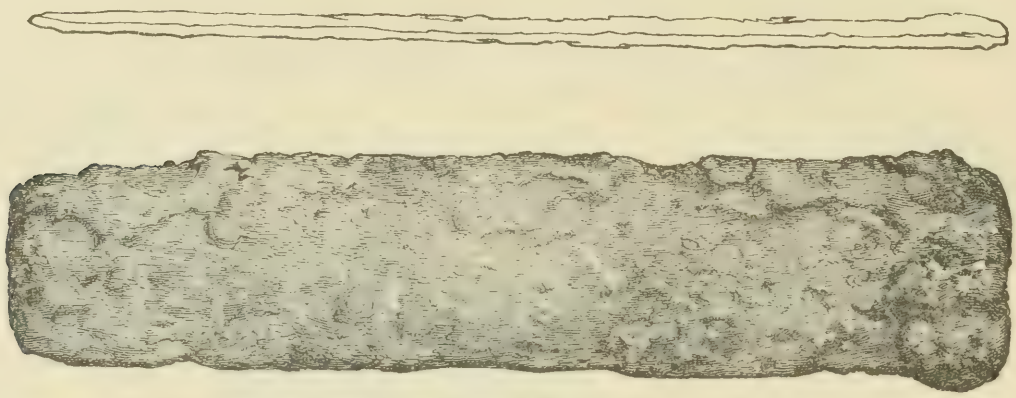


FIG. 31.—Iron implement from mound, Caldwell County, North Carolina.

The W. D. Jones mound.—Two miles east of Patterson, same county, and near the north bank of the Yadkin River, running out from a low ridge to the river bank, is a natural terrace about 12 feet high, with a level area on top of about an acre, the sides steep and abrupt. According to tradition this terrace was formerly occupied by an Indian village.

About 200 yards east of this, on the second river bottom or terrace, was located a low, circular mound 33 feet in diameter and not more than 1 foot high, on the land of Mr. W. D. Jones.

This mound was found on investigation to cover a circular pit 32 feet in diameter and 3 feet deep, the margin and bottom being so well defined as to leave no doubt as to the limits of the pit; in fact, the bottom, which was of clay, had been baked hard by fire to the depth of 2 or 3 inches. The mound and the filling of the pit consisted of earth and loose yellow clay, similar to that around it. In this mound were found twenty-five skeletons and one stone heap, the relative positions of which are shown in Fig. 32.

1. A "squatter," walled in with water-worn stones, the face turned toward the west; no relics.

2. Sitting with the face toward the center; two polished celts at the feet, and immediately in front of the face a cylinder of hard gray mortar (not burned) about 5 inches long and 2 inches in diameter, with a hole through one end.

3. Sitting with the face toward the center; several polished celts at the feet.

4. Horizontal, head southeast; several celts at the feet.

5. Horizontal, head toward the center; several celts at the feet.

6. Facing the center, sitting; shell beads around the neck, a *Unio* shell on top of the head, with the concave surface down, a conch shell (*Busycon perversum*) in front of the face, and celts at the feet.

7. Sitting, facing the center; celts at the feet.

8. Very large, lying on the left side, legs partially drawn up, walled in with bowlders; no implements.

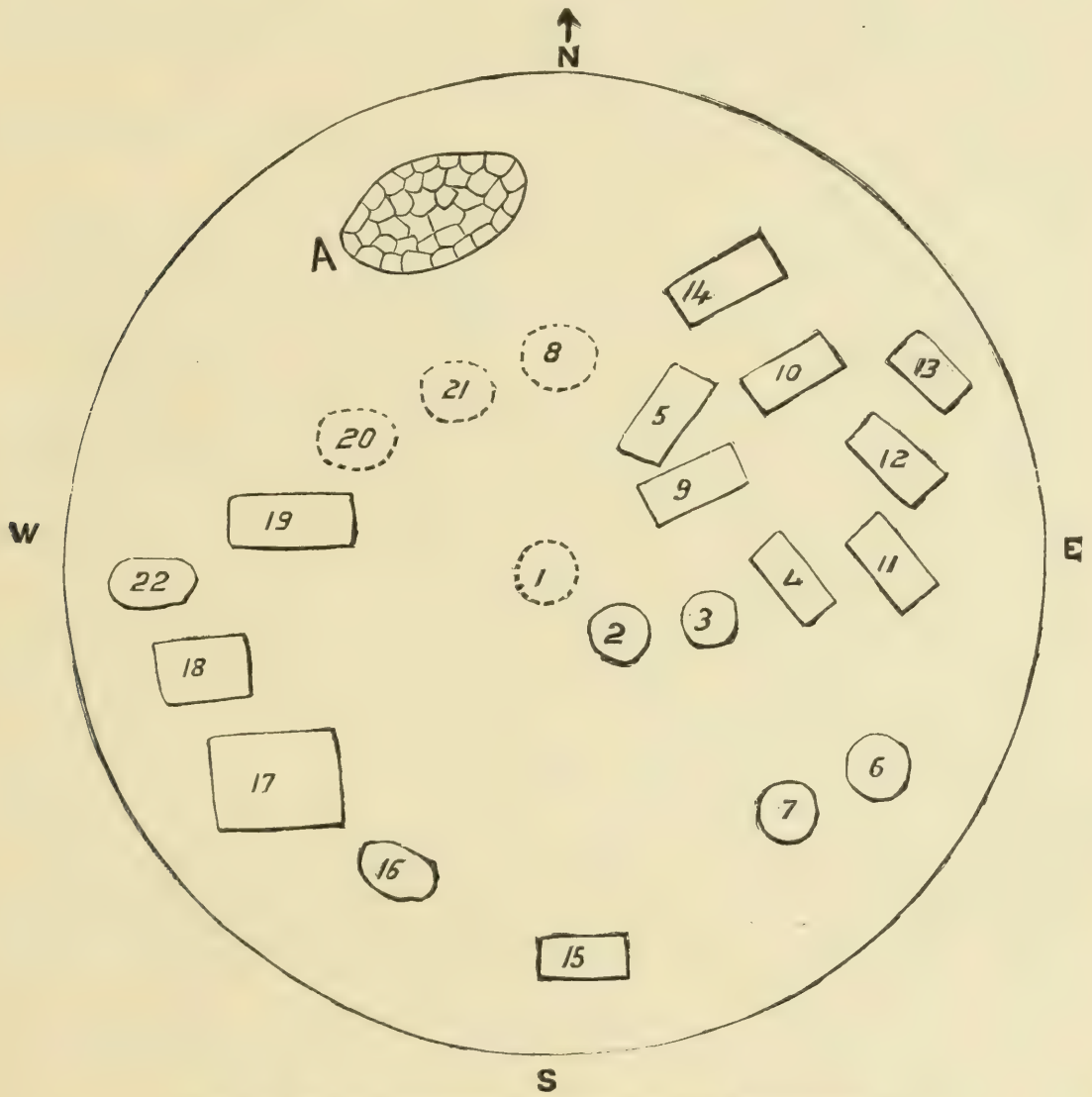


FIG. 32.—W. D. Jones mound, Caldwell County, North Carolina.

9. Horizontal, face down, head toward the center; celts and discoidal stones at the feet, and a pot resting, mouth down, upon the head.

10. Horizontal, face up, feet toward the center; pot resting on the face, stone implements at the feet.

11. Horizontal, head southeast, arms extended, and a bracelet of copper and shell beads around each wrist; shell beads around the neck; face up and food-cup (without handle) at the right side of the head.

12. Horizontal, face up, head southeast; shell beads around the neck, a hook or crescent shaped piece of copper on the breast, and a soapstone

pipe near the face; one hand near each side of the head, each grasping small, conical copper ornaments (ear-drops) and a bunch of hair. Was this individual, apparently a female, buried alive?

13. Horizontal, lying on the back, head southeast; copper and shell beads around the neck and wrists, a hook or crescent shaped piece of copper on the breast, a food-cup (with handle) lying on its side with mouth close to the face, a pipe near the mouth, and two celts over the head.

14. Horizontal, lying on the back, head northeast, arms extended; each hand resting on a shell which had evidently been engraved, though the figures are almost totally obliterated.

15. Horizontal, on the back, head west, knees drawn up; stone implements at the feet.

16. Too much decayed to determine the position.

17. Four skeletons in one grave, horizontal, heads toward the east, and large rocks lying on the legs below the knees; no implements.

18. Two skeletons in one grave, heads west, faces down, knees drawn up; no implements.

19. On the back, horizontal, head east; no implements.

20. Sitting, with face toward the east, walled in, a large rock lying on the feet (though this may have fallen from the wall); no implements.

21. Sitting, walled in; over the head, but under the capstone of the vault, a handful of flint arrow-heads.

22. Doubled up, with the head between the feet.

A. A solid oval-shaped mass of bowlders, 33 inches long, 22 inches wide, and 24 inches high, resting on the bottom of the pit. No ashes or other indications of fire about it.

Fragments of pottery, mica, galena, charcoal, red and black paint, and stone chips were found scattered in small quantities through the earth which filled the pit. All the celts were more or less polished.

R. T. Lenoir burial pit.—This is a circular burial pit, similar to those already described, but without any rounding up of the surface. It is located on the farm of Mr. Rufus T. Lenoir, about 9 miles northeast of Lenoir and nearly a mile west of Fort Defiance.

A diagram showing the relative positions of the graves or burials is given in Fig. 33.

It is on the first river terrace or bottom of Buffalo Creek and some 200 yards from the stream, which empties into the Yadkin about half a mile southwest of this point. This bottom is subject to overflow in time of high water.

The pit, which is 27 feet in diameter and about 3½ feet deep, is almost a perfect circle, and well marked, the margin, which is nearly perpendicular, and the bottom being easily traced. The dirt in this case, as in the others, was all thrown out.

No. 1. A bed of charred or rather burnt bones, occupying a space 3 feet long, 2 feet wide, and about 1 foot deep. The bones were so thoroughly

burned that it was impossible to determine whether they were human or animal. Beneath this bed the yellow sand was baked to the depth of 2 or 3 inches. Under the bones was an uncharred shell gorget.

No. 2. A skeleton in a sitting posture, facing northeast; a pipe near the mouth and a polished celt over the head.

No. 3. Sitting, facing east, with shell beads around the neck and also around the arms just below the shoulders.

No. 4. Horizontal, on the back, head east and resting on the concave surface of an engraved shell; a conch shell (*Busycon perversum*) at the side of the head, and copper and shell beads around the neck.

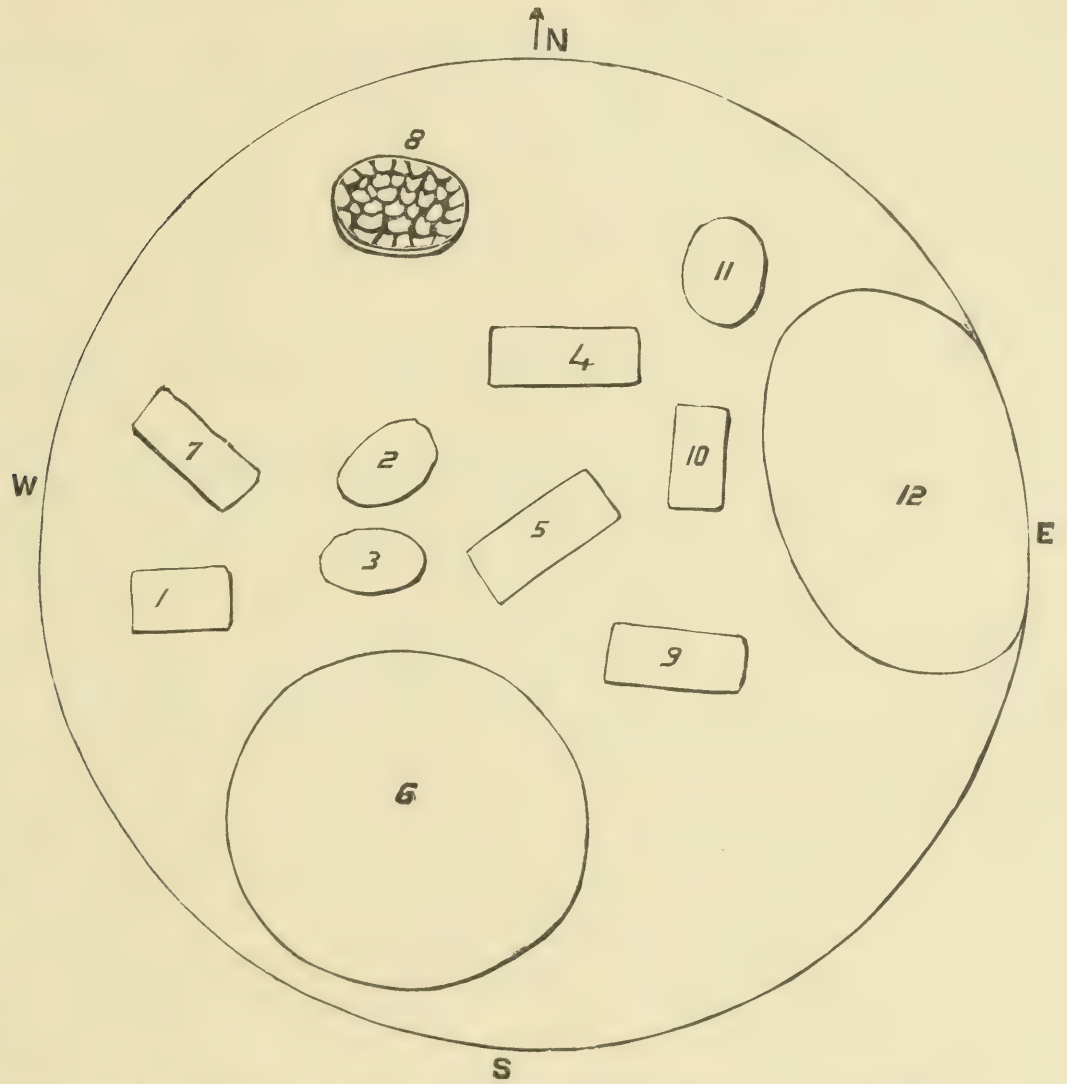


FIG. 33.—Plan of the R. T. Lenoir burial pit, Caldwell County, North Carolina.

No. 5. Horizontal, head northeast; shell beads around the neck and two discoidal stones and one celt at the feet.

No. 6. A communal grave, containing at least twenty-five skeletons, in two tiers, buried without any apparent regularity as to direction or relative position. Thirteen of the twenty-five were "flat-heads;" that is, "the heads running back and compressed in front."

Scattered through this grave, between and above the skeletons, were polished celts, discoidal stones, shells, mica, galena, fragments of pot-

tery, and one whole pot. Around the neck and wrists of some of the skeletons were also shell beads. There may have been more than twenty-five individuals buried here, this, however, being the number of skulls observed.

No. 7. Horizontal, on the left side, head northwest; no implements.

No. 8. An irregular layer of water-worn stones, about 4 feet square. On top was a bed of charcoal 3 or 4 inches thick, on and partially imbedded in which were three skeletons, but showing no indications of having been in the fire. Scattered over these were discoidal stones, one small, saucer-shaped dish, shells (of which one is engraved), pipes, shell beads, and pieces of pottery.

No. 9. A grave containing three skeletons, lying horizontally on their backs and side by side, the outer ones with their heads east and the middle one with the head west; no implements.

No. 10. Horizontal, on the right side, head north, with stone implements in front of the face.

No. 11. Doubled up, top of the head south; shell beads around the neck and celts at the feet.

No. 12. A grave containing seventeen skeletons, seven of which had flat heads, two of the number children. Two of the adult heads were resting on engraved shells.

In this grave were found four pots and two food-cups, the handle of one representing an owl's head and that of the other an eagle's head. One of the small pots was inside a larger one. Scattered among the skeletons were shell beads, polished celts, discoidal stones, paint, etc. None of the skeletons were inclosed in stone graves.[1]

In order to convey an idea of the number of articles deposited with the dead in some of these burial places, I give here a list of those obtained from the pit last described:

One stone ax.
Forty-three polished celts.
Nine vessels of clay.
Thirty-two arrow-heads.
Twenty soapstone pipes, mostly uninjured.
Twelve discoidal stones.
Ten rubbing stones.
Two hammer stones.
One broken soapstone vessel.
Six engraved shells.
Four shell gorgets.
One *Busycon perversum* entire, and two or three broken ones.
Five very large copper beads.
One lot of fragments of shells, some of them engraved.
A few rude shell pins.

[1] The circles and parallelograms in Figs. 32 and 33 have no other significance than to indicate the relative positions of the graves and the positions of the skeletons.

Shell beads.
A few small copper beads.
Specimens of paint and plumbago.
Three skulls.

It is evident from the foregoing descriptions that the mode of burial and the depositories of the dead of the mound-building tribes of this part of North Carolina differed in several marked and important respects from the mode of burial and burial mounds of the sections previously alluded to, and in fact from those of any other district.

Here the pit seems to have been the important part of the depository and the mound a mere adjunct. In some cases the bodies appear to have been buried soon after death, while in others—as, for example, the groups in the triangle and Lenoir burial pit—the skeletons were probably deposited after the flesh was removed.

We are reminded by these pits of the mode of burial practiced by some of the Indian tribes, as mentioned by Lafitau,[1] Brebeuf,[2] etc.; but, before attempting to draw conclusions, we will give other illustrations of the burial mounds of this district, which are far from being uniform in character.

Comparatively few mounds have as yet been opened in North Carolina; hence the data relating to this region is somewhat meager. As bearing upon the subject, and probably relating to a period immediately following the close of the mound-building era, I give from Mr. Rogan's notes the description of a burial place explored by him on the farm of Mr. Charles Hunt, in the central part of Wilkes County:

This is not a "burial place," in the usual sense of that term, but is probably the site of a camp or temporary village. It is about three miles and a half east of Wilkesborough, on the second bottom or terrace of the Yadkin River. It differs from the burial places just described in having no large pit, the graves being separate and independent of each other. A diagram showing the relative positions of the graves and small pits accompanies Mr. Rogan's report but is omitted here, although the numbering of the graves is retained in the description.

No. 1 is a grave or oval-shaped pit 2 feet long and 18 inches wide, the top within 8 inches of the surface of the ground, while the bottom is 2½ feet below it. This contained the remains of two skeletons, which were surrounded by charcoal; some of the bones were considerably charred. In the pit were some fragments of pottery, a few flint chips, and a decayed tortoise shell.

No. 2. A grave 2 feet wide, 6 feet long, and 5 feet deep. It contained quite a quantity of animal bones, some of them evidently those of a bear; also charcoal, mussel shells, and one bone implement.

[1] Mœurs des Sauvages Amériquains, II, pp. 447–445.

[2] Jesuit Relations for 1636, pp. 128–139. For a translation of the lively description of the burial ceremonies of the Hurons by Father Brebeuf, see "Supplemental Note," at the end of this paper.

No. 3. A grave of the same size and depth as No. 2, containing animal bones, broken pottery, and some charcoal.

No. 4. Grave; the size, depth, and contents same as the preceding.

No. 5. A circular pit 2 feet in diameter and 2 feet deep. This contained a very large pot, in which were some animal bones; it was on its side and crushed.

No. 6. A pit 2½ feet deep and 2 feet square, with a bed of charcoal in the bottom 6 inches deep. On this bed was a layer of flint chips, and on the chips a quantity of broken pottery, animal bones, a discoidal stone, and a bone implement.

No. 7. A grave similar to those described.

No. 8. A large grave, containing three skeletons, lying at full length upon the right side, with the heads a little east of north. Between the front and the middle one was a mass of mussel shells. At the head and back of the front one were a number of animal bones, and between it and the middle one, opposite the pelvis, was a large broken pot. The right arm of the third or back one was extended forward and upward, the left arm resting across the head, a white flint chip grasped in the hand. The head of this skeleton was resting on a piece of a broken pot, and in front of the face, at the distance of a foot, was also part of a pot, containing a stone fragment and some animal bones. Under the legs of the three skeletons, the head extending in front of the legs of the third or back one, was the skeleton of a bear, and in front of the latter were three broken pots, containing animal bones.

No. 9. A basin-shaped fire-bed, or bed of burnt clay, 8 inches thick. section of this bed is shown in Fig. 34—*b*, *b*, *b*, the bed of burnt

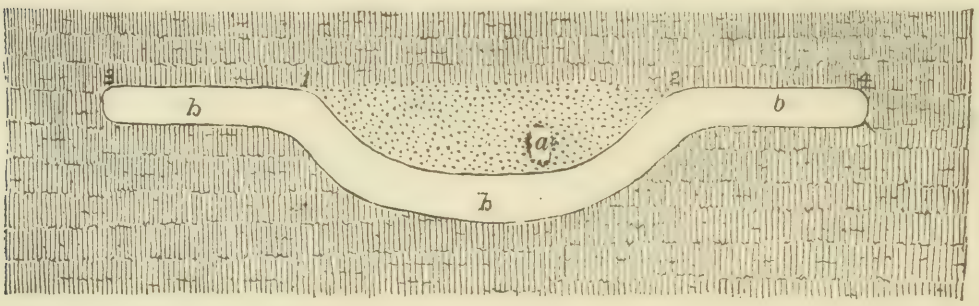


FIG. 34.—Fire-bed, Wilkes County, North Carolina.

clay, 8 inches thick, the material evidently placed here and not a part of the original soil. The basin *a* was filled with ashes, to the depth of 12 inches; the diameter, from 1 to 2, 2 feet 3 inches, from 1 to 3 and from 2 to 4, 1 foot 6 inches.

No. 10. A bed of mussel shells, 3 inches thick and 3 feet in diameter, lying on a flat bed of burnt earth 3 inches thick.

No. 11. A pit 5 feet deep and 3 feet in diameter, filled with animal bones, mussel shells, and broken pottery.

There was no mounding over any of these graves or pits.

The basin-shaped fire-bed, No. 9, reminds us very strongly of the so-called altars of the Ohio mounds, and may possibly assist us in arriving at a correct conclusion concerning these puzzling structures.

A mound opened by Dr. J. M. Spainhour in Burke County, some years ago, presents some variations, though, so far as the posture and relative positions of the skeletons are concerned, reminding us of those in Caldwell County. The following extract is from the article containing the description:[1]

Digging down I struck a stone about 18 inches below the surface, which was found to be 18 inches long and 16 inches wide and from 2 to 3 inches in thichness, the corners rounded. It rested on solid earth and had been smoothed on top.

I then made an excavation in the south of the mound, and soon struck another stone, which upon examination proved to be in front of the remains of a human skeleton in a sitting posture; the bones of the fingers of the right hand had been resting on the stone. Near the hand was a small stone about 5 inches long, resembling a tomahawk or Indian hatchet. Upon a further examination many of the bones were found, though in a very decomposed condition, and upon exposure to the air they soon crumbled to pieces. The heads of the bones, a considerable portion of the skull, jaw-bones, teeth, neck-bones, and the vertebræ were in their proper places. Though the weight of the earth above them had driven them down, yet the frame was perfect, and the bones of the head were slightly inclined toward the east. Around the neck were found coarse beads that seemed to be of some substance resembling chalk.

A small lump of red paint, about the size of an egg, was found near the right side of this skeleton. From my knowledge of anatomy, the sutures of the skull would indicate the subject to have been twenty-five or twenty-eight years of age. The top of the skull was about 12 inches below the mark of the plow.

I made a further excavation in the west part of this mound and found another skeleton similar to the first, in a sitting posture, facing the last. A stone was on the right, on which the right hand had been resting, and on this was a tomahawk which had been about 7 inches in length, broken into two pieces, and much better finished than the first. Beads were also on the neck of this one, but were much smaller and of finer quality than those on the neck of the first; the material, however, seemed to be the same. A much larger amount of paint was found by the side of this than the first. The bones indicated a person of larger frame and I think of about fifty years of age. Everything about this one had the appearance of superiority over the first. The top of the skull was about 6 inches below the mark of the plow.

I continued the examination, and after diligent search found nothing at the north part of the mound, but on reaching the east side found another skeleton, in the same posture as the others, facing the west. On the right side of this was a stone on which the right hand had been resting, and on the stone was also a tomahawk about 8 inches in length, broken into three pieces, much smoother and of finer material than the others. Beads were also found on the neck of this, but much smaller and finer than on those of the others, as well as a large amount of paint. The bones would indicate a person of forty years of age. The top of the skull had been moved by the plow.

There was no appearance of hair discovered; besides, the principal bones were almost entirely decomposed, and crumbled when handled.

A complete exploration of this mound, the dimensions of which are not given, would possibly have shown that the skeletons were arranged

[1] Smithsonian Report, 1871, pp. 404, 405.

somewhat in a circle. The doctor does not state whether there was a pit.

Some mounds in Henderson County, opened in 1884 by Mr. J. W. Emmert, who was temporarily employed by the Bureau, present some peculiarities worthy of notice. One of these, situated on the farm of Mrs. Rebecca Conner, and perfectly circular, was found to be 44 feet in diameter and 6 feet high; a number of small trees were growing on it. The annexed cut (Fig. 35) shows a vertical section of it, the dark cen-

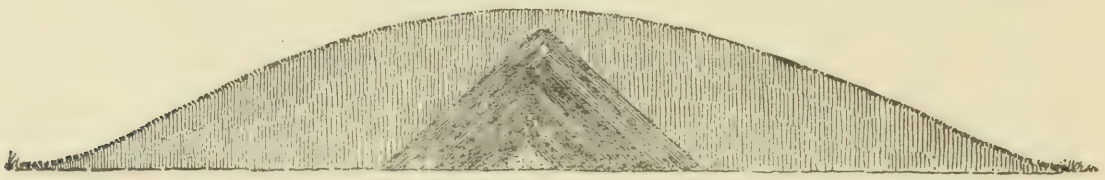


FIG. 35.—Section of mound, Henderson County, North Carolina.

tral triangle representing a conical mass of charcoal and ashes. The conical mass measured 16 feet in diameter at the base and 5 feet high, the top reaching within 1 foot of the top of the mound. The outer portion consisted of charcoal, evidently the remains of pine poles, which had been placed in several layers, sloping toward the apex. The inner portion consisted of ashes and coals mixed with earth, in which were found some burnt human (?) bones, and some accompanying articles, among which were two stones with holes drilled through them. The fragments of bones and the specimens were at the base, in the center.

A mound on the farm of Mr. J. B. Alexander, 2 miles above the one just described, was examined by Mr. Emmert, and found to cover a pit similar to those explored in Caldwell County.

This mound was situated on an elevated level, about a quarter of a mile from the creek, in an old field which had been plowed over for sixty years. It was 2 feet high when he explored it, but the old people stated to him that it was formerly 10 feet high, and had a "tail" or ridge running away from it 200 feet long; but the only indication of this that Mr. Emmert could see was a strip of clay running off where it was stated to have been. It runs in the direction of the creek bottom, where any quantity of broken pottery may be picked up. The mound, which was 30 feet in diameter and composed wholly of red clay, was entirely removed to the original surface of the ground. Nothing was found in it, but after reaching the surface he discovered a circular pit 12 feet in diameter, which had been dug to the depth of 4 feet in the solid red clay. This he found to be filled full of ashes and charcoal, but failed to find any bones or specimens in it.

Although Mr. Emmert failed to find any evidence that this was a burial mound, its similarity with those of Caldwell County will, I think, justify us in concluding it was constructed for this purpose.

Another mound on the same farm as the one last mentioned, a cross-section of which is shown in Fig. 36, is of the common type, examples of which are found in most of the districts: diameter 52 feet and height 9 feet; the upper layer, No. 1, red clay, about 4 feet thick, No. 2, a thin layer of charcoal, about 3 inches thick; the lower stratum or central core, No. 3, dark-colored earth. In this lower layer were found five skeletons, on the natural surface and at the points indicated by the dots, which crumbled to pieces as soon as exposed to the air. With one were sixteen large, rudely made, white flint arrow-heads, so nearly

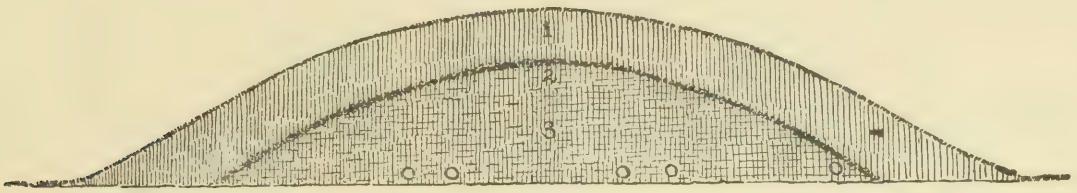


FIG. 36.—Section of mound, Henderson County, North Carolina.

alike as to make it apparent they were the work of one individual, and with another a small pipe and some arrow-heads.

Passing westward over the mountains into East Tennessee, we find some variations in the modes of burial, but not so widely different from those east of the range as to justify the belief that the authors of the works of the two localities were different peoples or belonged to different tribes.

A burial mound opened by Mr. Emmert in the valley of the Holston, Sullivan County, described by him as mound No. 1, on the north side of the river, was found to be 22 feet in diameter and 4 feet high. It was composed of red clay and sand. Digging down to the level of the surrounding ground, there was found a pile of rock in the center, which proved to be a burial vault built of water-worn bowlders, over a sitting skeleton. It was 3½ feet in diameter at the base and 3 feet high. On the head of the skeleton was a slender, square copper spindle about 11 inches long and a quarter of an inch thick in the middle. It has evidently been hammered out with a stone hammer. Under the lower jaw were two small copper drills or awls, with portions of the deer-horn handles still attached. About the shoulders, one on each side, were two polished stones, with holes in them. Near the head was a small pile of flint chips, and at the knees a flint scalping knife. The bones were so badly decayed that but few of them could be secured.

Mound No. 2 was on the south side of the river, opposite No. 1 and about the same distance from the river. It was 38 feet in diameter and 5 feet high, and on the top was a pine stump 14 inches in diameter.

Mr. Emmert, in opening it, commenced at the edge to cut a ditch 4 feet wide through it, but soon reached a wall 3 feet high, built of "river rock." He then worked around this, finding it to be an almost perfect circle, 14 feet in diameter, inside of which were found, on throwing out

the dirt, twelve stone graves or vaults, built of the same kind of stones, each containing a sitting skeleton, as shown in Fig. 37. One of these graves or vaults was exactly in the center, the other eleven being placed in a circle around it, and about equally spaced, as shown in the diagram.

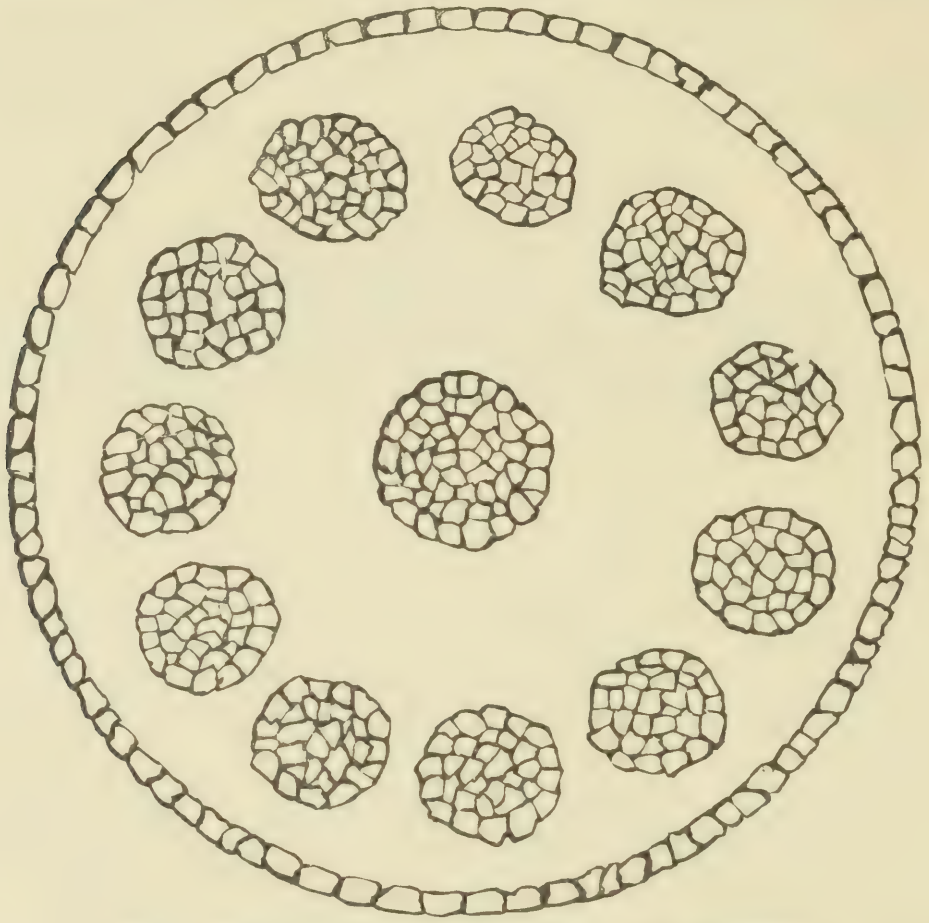


FIG. 37.—Mound on Holston River, Sullivan County, Tennessee.

In the center grave he found shell beads around the neck of the skeleton, and near the mouth the pipe shown in Fig. 38.

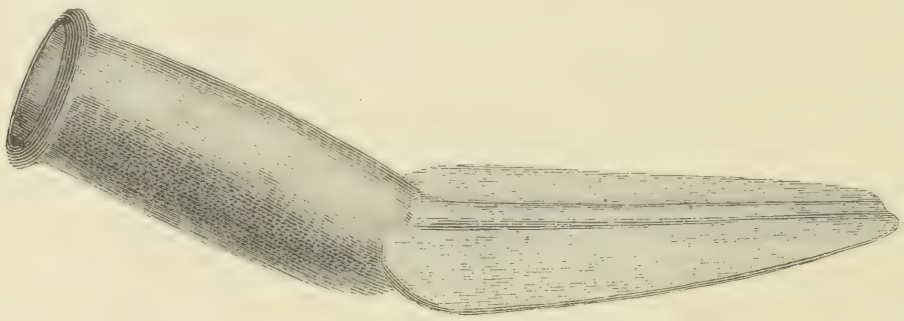


FIG. 38.—Pipe from mound, Sullivan County, Tennessee.

The bottom of the area within the circular wall was covered to the depth of about 3 inches with charcoal, and the graves were built on this layer. Both of these mounds were on the bench or upper bottom, and about three-fourths of a mile from the river.

Mr. Emmert says he learned that there was a tradition of the neighborhood that the Indians once fought a great battle at this place, and that one party buried some of their dead in mound No. 2, and the other party buried their dead on the opposite side of the river, where there is a large pile or mound of "river rock."

He opened one of the rock mounds occurring in this region half a mile from the river and near the foot of the mountain. A large tree had grown up through it, the stump of which was yet standing, or the mound had been built around it. After removing the rock and digging up the stump, he found, at the depth of 4 feet and directly under the stump, two stone axes, a large number of arrow-heads, two polished celts, and some pieces of mica.

Another mound on the Holston River, 2 miles above the two heretofore described, was examined. This was 60 feet in diameter and 4½ feet high. The original surface of the earth had been first covered over about 3 inches thick with charcoal, then the bodies or skeletons laid on it, and each walled up separately with river rock. These were then covered with black earth, over which was cast a layer of sand about the same thickness, the remainder being top soil.

Mr. Emmert, who opened this, commenced cutting a ditch 4 feet wide, proceeding until he struck the bed of charcoal; then followed around the outer edge of it, finally removing all the dirt inside the circle. One side of the circle had six skeletons in it, all walled up, as before stated, separately, but so thoroughly decayed that only one skull could be saved.

The other side of the mound had nothing in it except a fine pipe which he found on the bed of coals, some 10 or 12 feet from the nearest skeleton; some beautiful arrow-heads, shell beads, a polished celt, and two small stones with holes in them were also discovered.

In addition to the foregoing descriptions from the reports of my assistants, I present the following, from accounts of earlier explorations in this region:

A burial mound situated on the left bank of the Tennessee River, about 1 mile from Chattanooga, was opened by Mr. M. O. Read in 1865. This was oval in form and flat on top, the diameters of the base 158 and 120 feet, and those of the top 82 and 44 feet; height, 19 feet. Mr. Read says:[1]

> For the purpose of examination, a tunnel was excavated into the mound from the east, a little one side of the center and on a level with the natural surface of the ground. When the point directly under the outer edge of the top of the mound was reached, holes were found containing fragments of rotted wood showing that stakes or palisades had been erected here when the mound was commenced. The sound of the pick indicating a cavity or different material below, the excavation was carried downward about 2 feet, when two skeletons were uncovered, fragments of which preserved are marked No. 1. The bones were packed in a small space, as though the bodies were crowded down, without much regard to position of hands,

[1] Smithsonian Report 1867, p. 401.

into a pit not exceeding 3 feet in length. One of the skulls is of especial interest, as possibly indicating that the remains are those of victoms immolated in some sacrificial or burial rites. The side was crushed in, as if with a club. I have connected together the pieces of the upper jaw so that they retain the position in which they were found, a position which cannot with probability be supposed to be the result of the settling of the earth around it, if unbroken when buried. The bones of the bodies, although so friable that they could not be preserved, were entire, in positions indicating that the bodies had not been dismembered and forbidding the supposition that they were the remains of a cannibal feast.

The excavation was carried forward as indicated on the plat and on a level with the location of the skeletons first found. It became evident at once that the material of which the mound was constructed was taken from the immediate neighborhood, it being composed of the same alluvial soil, full of the shells found on the surface, but in a much better state of preservation; but no arrow-heads, chippings of flints, or fragments of pottery now covering the surface were found. These would have been abundant if the mound had been erected subsequent to the manufacture of the pottery and arrow-heads at that place. Single fragments of pottery were found, but these were painted and of much better quality than those found on the surface.

The mound was composed of alternate layers of earth and ashes, showing that a surface of the size of the top, when finished, was kept substantially level, and raised only 2 to 3 feet at a time, when fires were kindled, which must have been large or continued for a long time, as the amount of the ashes and charcoal abundantly indicates.

Near the center of the mound rows of stake-holes were found, as far as followed, marking two sides of a rectangular parallelogram, which continued would have formed an enclosure around the center. In some of these were the remains of the wood and bark, not enough to show the marks of tools, if any had been used. They penetrated the natural surface of the ground to the depth of about 2 feet.

Here and at about the same level as at No. 1 were found the skeletons of which the skull bones and other parts are marked No. 2. They were apparently the remains of a youngish woman and two children, all so far decomposed that only the parts sent could be preserved. The larger skeleton was in such a position as a person would take on kneeling down, then sitting upon the feet; the hands were brought to the head and the body doubled down upon the knees. The head was toward the south. The remains of the children were found at the right side of this body, the bones mingled together.

About 2 feet directly under these the skeleton of which the skull is marked No. 3 was found, in a similar position, it is said (I was not present when it was taken out), with the one above it.

I attempt no description and indulge in no speculations in regard to these remains, as I have decided to forward them to you for the examination of those who can compare them with other skulls and are better qualified to make a proper use of them. They are unquestionably of the age of the mound-builders.

We are reminded, by the remains of upright timbers found here, of the wooden vaults of the Grave Creek and other mounds of West Virginia, but in the form of the mound we have an indication that it belongs to the southern class of ancient works.

Rev. E. O. Dunning mentions[1] a stone-grave mound which he examined in the valley of the Little Tennessee. Speaking of this mound he remarks:

I did not expect to find rock graves in a mound of earth, but after clearing away rubbish and penetrating 6 feet below the top, near the center the workman struck a slab of slate, which proved to be part of the covering of a stone tomb. It was much like

[1] Smithsonian Report 1870, p. 378.

those scattered over the "river bottom"—more nicely constructed, however, and fitted with more care, being arched over the top, at an acute angle, with pieces of slate 3 inches thick. Owing to its situation, raised above the level of the river and covered with sand to the depth of 6 feet, its contents were better preserved than those of the graves just mentioned. At the head of it I took out a vessel of fine red clay and pulverized mussel shells a foot in diameter, gourd-shaped, and having a handle and spout 6 inches long, and holding about a quart. It was preserved nearly whole. Artificial fire had been kindled in the tomb, but it had been smothered by the throwing in of sand before all the contents were consumed. Besides some entire bones of the human skeleton, flint arrow-heads and a large number of flint and stone beads were removed. The beads could be traced along the lines of the legs and arms, as if they had been attached to the garment in which the dead was buried. Further excavations disclosed two more of these stone sepulchers, the first 3 feet below the one described, the other 2 feet from it, in the same plane. They contained only fragments of bones, charcoal, and ashes.

The mound, which was conical in shape, must have been 15 feet high and 50 feet in diameter. Successive floods had impaired its original dimensions. The last carried away a section on the west side, exposing a tomb and some valuable relics, which have not been preserved. Among them were large shells, pyrulas, probably, judging from the description, from the Gulf of Mexico. In connection with marine shells, images in stone were found in this tomb. The mound was composed of sand-loam taken from the bank of the river, and raised upon a foundation of water-washed rocks 4 feet high, from the bed of the stream hard by. There had been extensive burnings throughout this mound, at various depths, indicated by layers of charcoal, ashes, and burned clay, simply in honor of the dead, or to consume their effects or mortal parts, or for human sacrifices to their manes.

Speaking of stone graves in the immediate vicinity as explanatory of those in the mound, he says:

They are built of slabs of slate, nicely fitted together, about 3 inches thick, 4 feet long, and 2 broad, enclosing receptacles not of uniform space, generally 5 feet long, 4 feet high, and 2 broad, covered with flat pieces, resting upon the upright slabs and conforming to the rounded corners of the tomb.

As one of the principal objects in view in exploring and studying the mounds of our country is to ascertain, if possible, by what people or tribes they were built, a brief discussion of the question so far as it relates to the district now under consideration will be in place. My reasons for touching upon the topic in this connection, and limiting the discussion to the antiquities of the one district, are as follows:

First. The characteristics of the works of this section are so well marked as to leave little, if any, doubt on the mind of any one who will study them carefully that they are work of one people, probably of a single tribe.

Second. Because in this instance I think the evidence points with at least reasonable certainty to the particular tribe by which they were erected.

Third. Whether our second reason prove to be correct or not, we find data here which appear to form connecting links between the prehistoric and the historic times, and hence call for some discussion in regard to the authors.

Fourth. The statement of the result of our explorations of these works (especially the burial mounds) will, as I conceive, be incomplete without some intimation of the bearing they have had on my own mind in reference to their authorship. This it is true will apply with equal force to the works of other districts. I have already briefly stated my conclusions in this respect regarding the antiquities of Wisconsin, but have refrained from entering at length upon the question as to the Ohio and West Virginia works, as I confess and have already intimated that these present more difficulties in the way of explanation than most of the other sections.

It may be thought premature to speculate in this direction, and some of our ablest scientific journals appear to deprecate any such attempts until more data have been obtained and the materials already collected are more thoroughly digested. I admit that, as a very general and almost universal rule, such a course is the proper one in respect to scientific investigations, but must dissent from its application in this instance, for the following reasons:

The thought that a mighty nation once occupied the great valley of the Mississippi, with its frontier settlements resting on the lake shores and Gulf coasts, nestling in the valleys of the Appalachian Range and skirting the broad plains of the West, a nation with its systems of government and religion, its chief ruler, its great central city, and all the necessary accompaniments, but which has disappeared before the inroads of savage hordes, leaving behind it no evidences of its existence, its glory, power, and extent save these silent forest-covered remains, has something so fascinating and attractive in it, that when once it has taken possession of the mind, it warps and biases all its conclusions.[1]

So strong, in fact, is the hold which this theory (in the broad sense, including also the Toltec and Aztec theories) has taken of the minds of both American and European archæologists, that it not only biases their conclusions, but also molds and modifies their nomenclature, and is thrust into their speculations and even into their descriptions as though no longer a simple theory but a conceded fact. Hence it is necessary, before a fair and unbiased discussion of the data can be had, to call attention to the fact that there is another side to the question.

Unless some protest is presented or some expression of opinion is made on this point in my paper, the facts I give will be viewed through the medium of this "lost race" theory. This I desire, if possible, to prevent, and whether the "Indian theory" proves to be correct or not, I wish to obtain for it at least a fair consideration. I believe the latter theory to be the correct one, as the facts so far ascertained appear to point in that direction, but I am not wedded to it; on the contrary, I am willing to follow the facts wherever they lead.

[1] See, for example, Foster's "Prehistoric Races," p. 97; Squier and Davis's, "Ancient Monuments," p. 30; Baldwin's "Ancient America," p. 57; Bancroft's "Native Races," IV, p. 785; Conant's "Foot-Prints of Vanished Races," p. 38; Marquis de Nadaillac's "L'Amérique Préhistorique," p. 185, etc.

Although additional data will hereafter be obtained and many new and important facts be brought to light, yet, as I believe, sufficient evidence has been collected (though much of it remains unpublished) to indicate what will be the final result so far as this general question is concerned.

We see that already the theory that these remains scattered over the face of our country from Dakota to Florida and from New York to Louisiana were the work of one people, one great nation, is fast breaking down before the evidence that is being produced.

The following quotation from the last report of the Peabody Museum, which is repeated in substance in Science, June 27, 1884, p. 775, will serve not only to indicate the conflict which is going on in the minds of some of our most active and progressive archæologists on this subject, but also to show the difficulty of finding applicable and well-defined terms, and of clearly stating the real question at issue:

> The different periods to which the various mounds and burial places belong can only be made out by such a series of explorations as the museum is now conducting in the Little Miami Valley, and when they are completed we shall be better able to answer the question, "Who were the mound-builders?" than we are now. That more than one of the several American stocks or nations or groups of tribes built mounds seems to me to be established. What their connections were is not yet by any means made clear, and to say that they all must have been one and the same people seems to be making a statement directly contrary to the facts, which are yearly increasing as the spade and pick in careful hands bring them to light. That many Indian tribes built mounds and earthworks is beyond doubt, but that all the mounds and earthworks of North America were made by these same tribes or their immediate ancestors is not thereby proved.
>
> Mr. Carr, in his recent paper published by the Kentucky Geological Survey, has taken up the historical side of the question, but it must not be received for more than he intended. He only shows from historical data what the spade and pick have disclosed to the archæologist. It is simply one side of the shield; the other is still waiting to be turned to the light; and as history will not help us to read the reverse, only patient and careful exploration will bring out its meaning.[1]

This, it is true, is but an incidental paragraph thrown into a report of the work of the museum, but I have selected it as the latest expression on this subject by one of our most active and practical American archæologists, and because it will furnish a basis for the remarks I desire to make on this subject.

In order that the reader may clearly understand the particular points to which I shall call attention, I will introduce here a brief review of the leading opinions so far presented regarding the authorship of these ancient works.

It was not until about the close of the eighteenth century that the scientific men of the Eastern States became fully impressed with the fact that remarkable antiquities were to be found in our country.

About this time President Stiles, of New Haven, Dr. Franklin, Dr.

[1] Sixteenth and Seventeenth Report Peabody Museum, p. 346.

Barton, and a few other leading minds of that day, becoming thoroughly convinced of the existence of these antiquities, and having received descriptions of a number of them, began to advance theories as to their origin. William Bartram had come to the conclusion, from personal observation and from the statement of the Indians that "they knew nothing of their origin," that they belonged to the most distant antiquity.

Dr. Franklin, in reply to the inquiry of President Stiles, suggested that the works in Ohio might have been constructed by De Soto in his wanderings. This suggestion was followed up by Noah Webster with an attempt to sustain it,[1] but he afterwards abandoned this position and attributed these works to Indians.

Captain Heart, in reply to the inquiries addressed to him by Dr. Barton, gives his opinion that the works could not have been constructed by De Soto and his followers, but belonged to an age preceding the discovery of America by Columbus; that they were not due to the Indians or their predecessors, but to a people not altogether in an uncultivated state, as they must have been under the subordination of law and a well-governed police.[2]

This is probably the first clear and distinct expression of a view which has subsequently obtained the assent of so many of the leading writers on American archæology.

About the commencement of the nineteenth century two new and important characters appear on the stage of American archæology. These are Bishop Madison, of Virginia, and Rev. Thaddeus M. Harris, of Massachusetts.

Dr. Haven, to whose work we are indebted for reference to several of the facts above stated, remarks:

> These two gentlemen are among the first who, uniting opportunities of personal observation to the advantages of scientific culture, imparted to the public their impressions of western antiquities. They represent the two classes of observers whose opposite views still divide the sentiment of the country; one class seeing no evidence of art beyond what might be expected of existing tribes, with the simple difference of a more numerous population, and consequently better defined and more permanent habitations; the other finding proofs of skill and refinement, to be explained, as they believe, only on the supposition that a superior race, or more probably a people of foreign and higher civilization, once occupied the soil.[3]

Bishop Madison was the representative of the first class. Dr. Harris represented that section of the second class maintaining the opinion that the mound-builders were Toltecs, who after leaving this region moved south into Mexico.

As we find the principal theories which are held at the present day on this subject substantially set forth in these authorities, it is unnecessary to follow up the history of the controversy except so far as is required to notice the various modifications of the two leading opinions.

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[1] Referred to by Dr. Haven, Smithsonian Contributions, VIII, p. 25.

[2] Transactions of the American Philological Society, Vol, III.

[3] Archæology of the United States, Smithsonian Contributions, Vol. VIII, p. 31.

Those holding the opinion that the Indians were not the authors of these works, although agreeing as to this point and hence included in one class, differ widely among themselves as to the people to whom they are to be ascribed, one section, of which, as we have seen, Dr. Harris may be considered the pioneer, holding that they were built by the Toltecs, who, as they supposed, occupied the Mississippi Valley previous to their appearance in the vale of Anahuac.

Among the more recent advocates of this theory are Mr. John T. Short, author of "The North Americans of Antiquity;"[1] Dr. Dawson, in his "Fossil Man," who accepts the tradition respecting the Tallegwi, but identifies them with the Toltecs; Rev. J. P. MacLean, author of the "Mound Builders" and Dr. Joseph Jones, in his "Antiquities of Tennessee."

Wilson, in his "Prehistoric Man,"[2] modifies this view somewhat, looking to the region south of Mexico for the original home of the Toltecs, and deriving the Aztecs from the mound-builders.

Another section of this class includes those who, although rejecting the idea of an Indian origin, are satisfied with simply designating the authors of these works a "lost race," without following the inquiry into the more uncertain field of racial, national, or ethnical relations. To this type belong a large portion of the recent authors of short articles and brief reports on American archæology, and quite a number of diligent workers in this field whose names are not before the world as authors.

Baldwin believes that the mound-builders were Toltecs, but thinks they came originally from Mexico or farther south, and, occupying the Ohio Valley and the Gulf States, probably for centuries, were at the last driven southward by an influx of barbarous hordes from the more northern regions, and appeared again in Mexico.[3] Bradford, thirty years previous to this, had suggested Mexico as their original home.[4] Lewis H. Morgan, on the other hand, supposes that the authors of these remains came from the Pueblo tribes of New Mexico. Dr. Foster[5] agrees substantially with Baldwin. We might include in this class a number of extravagant hypotheses, such as those held by Haywood, Rafinesque, and others among the older, as well as by a few of the more recent authors.

The opposite class, holding that the mound-builders were the ancestors of some one or more of the modern tribes of Indians, or of those found inhabiting the country at the time of its discovery, numbers comparatively few leading authorities among its advocates; in other words, the followers of Bishop Madison are far less numerous than the followers of Dr. Harris. The differences between the advocates of this view are of minor importance, and only appear when the investigation is carried one step further back and the attempt is made to designate

[1] Page 253.
[2] Vol. I, p. 353, 3d edition.
[3] Ancient America, pp. 70–75.
[4] American Antiquities, p. 71.
[5] Prehistoric Races, p. 339.

the particular tribe, nation, people, or ethnic family to which they appertained.

The traditions of the Delawares, as given by Heckewelder, in his "History of the Indian Nations," having brought upon the stage the Tallegwi, they are made to play a most important part in the speculations of those inclined to the theory of an Indian origin. As this tradition agrees very well with a number of facts brought to light by antiquarian and philological researches, it has had considerable influence in shaping the conclusions even of those who are not professed believers in it.

One of the ablest early advocates of the Indian origin of these works was Dr. McCulloch; and his conclusions, based as they were on the comparatively slender data then obtainable, are remarkable not only for the clearness with which they are stated and the distinctness with which they are defined, but as being more in accordance with all the facts ascertained than perhaps those of any contemporary.

Samuel G. Drake, Schoolcraft, and Sir John Lubbock were also disposed to ascribe these ancient works to the Indians. But the most recent advocate of this view is Prof. Lucien Carr, of Cambridge, Massachusetts, who has presented, in a recent paper entitled "The Mounds of the Mississippi Valley historically considered" (contained in the Memoirs of the Kentucky Geological Survey), a very strong array of historical evidence going to show not only that the Indian tribes at the time of the discovery were capable of producing these works, but also that several of the tribes were in the habit of erecting mounds.

But it is proper that we should mention an article by Dr. D. G. Brinton in the October number, 1881, of the American Antiquarian, bearing upon the same subject, in which considerable historical evidence tending to the same conclusion is given. These two papers may justly be considered the commencement of a rediscussion of this question, in which the Indians, after a long exclusion, will be readmitted as a possible factor in the problem.

The reader will observe from the foregoing brief review that the opinions regarding the authors of the mounds — or, as Dr. Brinton expresses it, "the nationality of the mound-builders" — as heretofore given to the world, may be divided into two classes — those holding that the builders were "Indians," and those holding that they were not "Indians." But the paragraph we have quoted from the Report of the Peabody Museum introduces other considerations, which render it necessary not only to define the terms used but to restate the question at issue in a more exact and definite form.

What mounds? What earthworks? The authority quoted remarks, "That many Indian tribes built mounds and earthworks is beyond doubt, but that *all the mounds and earthworks of North America* were made by *these same tribes* or their immediate ancestors is not thereby proved."

That the term "mound-builders" is as applicable to the people who constructed the mounds of Siberia, Japan, or elsewhere as those who

built the tumuli of the Mississippi Valley must be admitted, but the term, when used in this country with reference to the mounds of this country, has, as is well known, been generally understood to include only those found in that part of the United States east of the Rocky Mountains unless otherwise stated; and Mr. Carr's paper, to which allusion is made in the next sentence of the quotation, is expressly limited to the "mounds of the Mississippi Valley." North America is therefore a broader field than is generally understood by those who enter upon the discussion, and I may add that "these same tribes," unless with explicit definition, is a limitation claimed by no one.

The term "Indian" is so indefinite and so variously applied that more or less uncertainty must ensue unless the writer discussing this question makes clear the sense in which he uses it. It was probably an appreciation of this fact that caused the author of the report referred to to make use of the terms "American stocks," "nations," and "groups of tribes." We can fully appreciate the difficulty he and all others writing upon this subject experience from the want of an adequate and definite nomenclature that is applicable. But his expansions in one direction and limitations in another, in the paragraph quoted, as it seems to me, have left the statement of the question in worse confusion than it was before.

In what sense does he use the terms "Indians," "Indian tribes," "American stocks," and "groups of tribes"? Are the cultured Central American and Mexican nations and the Pueblo tribes to be included or excluded? Professor Carr evidently proceeds upon the idea that they are to be excluded, and that the mounds and other ancient works of the Mississippi Valley are to be attributed to one or more of the American stocks found in possession of this region at the time of its discovery by Europeans.

This I believe to be the correct view, except in this: Professor Carr fails to clear his work of the idea of one people, one stock, when the evidence is conclusive that the mound-builders were divided into tribes and stocks, as were the Indians when first encountered by the whites. Hence when I use the terms "Indians," "Indian tribes," and "American stocks" in this connection, they are to be understood as thus limited.

I do not claim that this use of these terms is correct, but it is not my intention at present to discuss the question "What is the proper use of the indefinite term *Indian?*" My only object in referring to it and the other equivalent terms is to explain the sense in which I use them in this connection, because I can find no better ones.

As thus limited the question for discussion may be stated as follows:

Were all the mounds and other ancient works found in that part of the United States east of the Rocky Mountains (except such as are manifestly the work of Europeans of post-Columbian times) built by the Indians found in possession of this region at the time of its discovery and their ancestors, or are they in part to be attributed to other

more civilized races or peoples, as the Aztecs, Toltecs, Pueblo tribes, or some lost race of which we possess no historical mention? I say in part, as it has long been conceded, that some of these works are to be attributed to the Indians.

If it can be shown that some of the mounds and other works of all the different types and classes found in the Mississippi Valley and Gulf States were built by Indians, or even that they were built by people in the same stage of culture and art and having the same customs and habits as the Indians of this region in the fifteenth and sixteenth centuries, we shall be justified in concluding that the rest are the work of the same race and of the same tribes, or those closely allied in habits, customs, art, and culture. That here and there a single mound-building tribe may have become extinct or absorbed into other tribes in pre-Columbian times, as has been the fate of some since the discovery of the continent, does not alter the case, unless it be claimed that such tribes belonged to different "American stocks" and had reached a higher degree of culture than those found in this part of the continent at the time of the arrival of the Europeans.

No one believes that we will ever be able to ascertain the history of the construction of each mound and earthwork; the utmost to be hoped is that we may be able to determine with satisfactory certainty that such and such works were built by such and such tribes.

But one step in the investigation is to reach the general conclusion as to whether all classes of these remains in the region designated may justly be attributed to the Indians, or whether there are some types which must be ascribed to a different race, to a people that had attained a higher position in the scale of civilization than the Indians. This it is possible to accomplish without being able to determine conclusively what tribe erected any particular work.

Nevertheless the conclusion will be strengthened by every proof that the works of certain sections are to be ascribed to certain tribes or stocks. It is for this reason that I propose to discuss somewhat briefly the question of the probable authorship of the works in the Appalachian district.

THE CHEROKEES PROBABLY MOUND-BUILDERS.

In 1876, Prof. Lucien Carr, assistant curator of the Peabody Museum, opened a mound in Lee County, Virginia, in which he made certain discoveries which, with the form of the mound and the historical data, led him to the conclusion that it was the work of the Cherokees.

This monument, as he informs us, was a truncated oval, the level space on the top measuring 40 feet in length by 15 in width.

At the distance of 8 feet from the brow of the mound, on the slope, there were found buried in the earth the decaying stumps of a series of cedar posts, which I was informed by Mr. Ely [the owner] at one time completely encircled it. He also told me that at every plowing he struck more or less of these posts, and, on digging for them, some six or seven were found at different places, and in such order as showed that they had been placed in the earth at regular intervals and according to a definite plan. On the top, in the line of the greatest diameter and near the center of the mound, another and a larger post or column, also of cedar, was found.[1]

Quoting Bartram's description (given below) of the council house of the Cherokees in the town of Cowe, he concludes, and I think correctly, that this mound was the site of a similar building.

Bartram's description is as follows:[2]

The Council or Town House is a large rotunda, capable of accommodating several hundred people. It stands on the top of an ancient artificial mount of earth of about 20 feet perpendicular and the rotunda on the top of it, being above 30 feet more, gives the whole fabric an elevation of about 60 feet from the common surface of the ground. But it may be proper to observe that this mount on which the rotunda stands is of a much ancienter date than the building, and perhaps was raised for another purpose. The Cherokees themselves are as ignorant as we are by what people or for what purpose these artificial hills were raised. * * *

The rotunda is constructed after the following manner: They first fix in the ground a circular range of posts or trunks of trees, about 6 feet high, at equal distances, which are notched at top to receive into them, from one to another, a range of beams or wall-plates. Within this is another circular order of very large and strong pillars, above 12 feet high, notched in like manner at top to receive another range of wall-plates, and within this is yet another or third range of stronger and higher pillars, but fewer in number, and standing at a greater distance from each other; and, lastly, in the center stands a very strong pillar, which forms the pinnacle of the building, and to which the rafters center at top; these rafters are strengthened and bound together by cross-beams and laths, which sustain the roof or covering, which is a layer of bark neatly placed and tight enough to exclude the rain, and sometimes they cast a thin superficies of earth over all.

There is but one large door, which serves at the same time to admit light from without and the smoke to escape when a fire is kindled; but as there is but a small fire kept, sufficient to give light at night, and that fed with dry, small, sound wood, divested of its bark, there is but little smoke; all around the inside of the building,

[1] Tenth Report Peabody Museum, p. 75.

[2] Travels, p. 365.

betwixt the second range of pillars and the wall, is a range of cabins or sophas consisting of two or three steps, one above or behind the other, in theatrical order, where the assembly sit or lean down; these sophas are covered with mats or carpets very curiously made with thin splits of ash or oak woven or platted together; near the great pillar in the center the fire is kindled for light, near which the musicians seat themselves, and around about this the performers exhibit their dances and other shows at public festivals, which happen almost every night throughot the year.

From indications, not necessary to be mentioned here, Professor Carr argues that the mound could not have been intended for burial purposes, but was evidently erected for the foundation of a building of some kind.

In a subsequent paper,[1] "Mounds of the Mississippi Valley," he not only adheres to the theory advanced in the tenth report of the Peabody Museum, but gives additional reasons for believing it to be true.

Although guided by very dim and feeble rays of light I am nevertheless inclined to believe that Professor Carr has succeeded in entering the pathway that is to lead to a correct solution of the problem in this case. As is apparent from what has been given in this paper regarding the burial mounds of this district, much additional data bearing on the point have been obtained since Professor Carr's explorations were made, on which he bases his conclusions.

The Cherokee tribe has long been a puzzling factor to students of ethnology and North American languages. Whether to be considered an abnormal offshoot from one of the well-known Indian stocks or families of North America, or the remnant of some undetermined or almost extinct family which has merged into another, appear to be questions yet unsettled; but they are questions which do not trouble us in the present inquiry; on the contrary, their ethnic isolation and tribal characteristics are aids in the investigation.

That the internal arrangement of the mounds, modes of burial, and vestiges of art of this district present sufficient peculiarities to distinguish them from the mounds, modes of burial, and vestiges of art of all the other districts, as I have already stated, will be conceded by any one who will carefully study them and make the comparison. If, therefore, it be admitted, as stated, that the Cherokees are a somewhat peculiar people, an abnormal tribe, we have in this a coincidence worthy of note, if strengthened by corroborating testimony.

As the mounds and other remains to be referred to are located in the northwest part of North Carolina and the northern part of East Tennessee, the first point to be established is that the Cherokees did actually, at some time, occupy this region.

In the first place, it is well known that they claimed all that portion of the country east of Clinch River to and including the northwest part of North Carolina, at least to the Yadkin, a claim which was conceded by the whites and acted on officially by State and national authority and denied by no Indian tribe.

[1] Memoirs of the Kentucky Geological Survey, Vol. II.

Haywood expressly states that[1]—

> the Cherokees were firmly established on the Tennessee River or Hogohega [the Holston] before the year 1650, and had dominion over all the country on the east side of the Alleghany Mountains, which includes the headwaters of the Yadkin, Catawba, Broad River, and the headwaters of the Savannah—

a statement borne out by the fact that, as late as 1756, when the English built Fort Dobbs on the Yadkin, not far from Salisbury, they first obtained the privilege of doing so by treaty with Attacullaculla, the Cherokee chief.[2]

Haywood asserts,[3] upon what authority is not known, that—

> before the year 1690 the Cherokees, who were once settled on the Appomattox River, in the neighborhood of Monticello, left their former abodes and came to the west. The Powhatans are said by their descendants to have been once a part of this nation. The probability is that migration took place about, or soon after, the year 1632, when the Virginians suddenly and unexpectedly fell upon the Indians, killing all they could find, cutting up and destroying their crops, and causing great numbers to perish by famine. They came to New River and made a temporary settlement, and also on the head of the Holston.

That they formerly had settlements on New River (Upper Kanawha) and on the Holston is, as I believe, true, but that they came from the vicinity of Monticello and the Appomattox River, were connected with the Powhatans, or first appeared in Tennessee in 1632, cannot be believed. First, because Jefferson makes no mention of their occupancy of this part of Virginia; on the contrary, he locates them in the "western part of North Carolina." Secondly, because John Lederer, who visited this region in 1669–'70, speaking of the Indians of the "Apalatean Mountains," doubtless the Cherokees, as he was at that time somewhere in western North Carolina, says: "The Indians of these parts are none of those which the English removed from Virginia; these were far more rude and barbarous, feeding only upon raw flesh and fish, until these taught them to sow corn and showed them the use of it."[4] Thirdly, because it is evident that they were located in substantially the same territory when De Soto passed through the northern part of Georgia, as it is now admitted that the "Chelaques" or "Achalaques" mentioned by the chroniclers of his ill-starred expedition were the Cherokees. That they extended their territory a considerable distance farther southward after the time of the Adelantado's visit can be easily demonstrated, but it is unnecessary for me to present the proof of this assertion at this time, as I presume it will be admitted.

Their traditions in regard to their migrations are uncertain and somewhat conflicting, still there are a few items to be gleaned from them, which, I think, may be relied upon as pointing in the proper direction. The first is, the positive statement that they formerly had a

[1] Natural and Aboriginal History of Tennessee, p. 225.
[2] Ramsey. Annals of Tennessee, p. 51.
[3] Natural and Aboriginal History of Tennessee, p. 223.
[4] Discoveries, etc., p. 3, London edition, 1672.

settlement, or were settled on or near the Nolichucky; the second is, that they were driven from some more northern section by their enemies; and third, their constant and persistent claim that, of right, the country about the headwaters of the Holston and eastward into North Carolina belonged to them.

From all the light, therefore, that I can obtain on this subject, I am satisfied the Cherokees had at some time in the past moved southward from a more northern location than that which they were found occupying when first encountered by the whites. This corresponds with one of their traditions given by Haywood, that they formerly dwelt on the Ohio and built the mounds there. That they did at one time actually occupy the section in which the mounds we allude to are situated cannot be doubted.

Turning now to the mounds of East Tennessee and North Carolina, to which allusion has been made, let us see what testimony they furnish on the point now under discussion.

The particular works to which we refer are those located in Caldwell County, North Carolina, and Sullivan County, East Tennessee, descriptions of which have been given.

Although we cannot say positively that no other tribe occupied this particular section between 1540 and 1690, still the evidence and indications leading to that conclusion are so strong as to justify us in assuming it. We find their frontiers on the borders of Georgia in 1540; we can trace back their settlements on the Hiawassee to a period preceding 1652. We have evidence that the settlements on the Little Tennessee were still older, and that even these were made subsequent to those on the Nolichucky. We have their own tradition, as given by Lederer, that they migrated to this region about the close of the thirteenth century from a more northern section; and, finally, their uniform and persistent statement, from the time first encountered by Europeans, that when they came to this region they found it uninhabited, with the exception of a Creek settlement on the lower Hiawassee. This clearly indicates a movement southward, a fact of much importance in the study of this somewhat abnormal tribe.

If, therefore, we can show that these mounds, or any of the typical ones, were constructed since the discovery of America, we have good reason to believe that they are to be attributed to the Cherokees, notwithstanding their statement to Bartram that they did not build the one at Cowe.

At the bottom of one of the largest mounds found in this region, the T. F. Nelson triangle heretofore described, and by the side of the skeleton of the principal personage interred in it, as shown by the arrangement of the bodies of those buried with him, and by the ornaments and implements found with him, were discovered three pieces of iron. That one of the pieces, at least, is part of an implement of European manufacture, I think no one who examines it will doubt (see Fig. 31). It ap-

pears to be part of a sword blade or the blade of a large knife. Another of the pieces is apparently a large awl or punch, a part of the deer-horn handle yet remaining attached to it. A chemical examination made by Professor Clarke, chemist of the United States Geological Survey, shows that these were not made of meteoric iron.

That these cannot be attributed to an intrusive burial is evident from the following facts: *First*, they were found at the very bottom of the pit, which had been dug before depositing the bodies; *second*, they were found with engraved shells, celts, and other relics of this character; and *third*, they were deposited with the principal personage who had been buried in the mound.

In the same mound and under the same circumstances some large copper beads or cylinders were also found. A careful examination of these specimens shows, as I think very clearly, that the copper plate of which they were made was not manufactured by any means at the command of the Indians or the more civilized races of Mexico or Central America, as it is as smooth and even as any rolled copper; moreover, the beads appear to have been cut into the proper shape by some metallic instrument. If this supposition be correct (and I believe an inspection of the specimens will satisfy any one that it is), it certainly indicates contact with civilized people. If so, then we have positive proof that this mound was made subsequent to the discovery of America by Columbus and in all probability after the date of De Soto's expedition in 1540.

As I have shown that the Cherokees alone inhabited this particular section from the time of De Soto's expedition until it was settled by the whites, it follows that if the mound was built subsequent to that date it must have been by the Cherokees. The nearest neighbors of this tribe on the east, at the time the whites came in contact with them, were the Tuscaroras. We learn from John Lederer, who visited them in 1670, on his return from the Cherokee country, that they were in the habit of "decking themselves very fine with pieces of bright copper in their hair and ears and about their neck, which, upon festival occasions, they use as an extraordinary bravery."[1] While it is well known that these two tribes were brought into contact with each other through being constantly at war, until the latter removed to the north and joined the Five Nations, it is more likely that these articles of European workmanship were obtained chiefly from the Spaniards, who, as is now known, worked the gold mines in northern Georgia at an early date. We learn from Barcia's "Ensayo Cronologico"[2] that Tristan de Luna, who, in 1559, went in search of the mines of "Coza" (the name by which the region of northern Georgia was then known), succeeded in reaching the region sought, and even heard, while there, of the negro Robles, who was left behind by De Soto. When John Lederer reached the borders of Georgia the Spaniards were then at work at these mines,

[1] Discoveries, London edition, p. 20. [2] Pages 33–39.

which fact, as he informs us, checked his further advance, as he feared he might be made a captive by them. As further and conclusive evidence of this, we have only to state that the remains of their cabins in the vicinity of the mines were found in 1834 with trees from 2 to 3 feet in diameter growing over them. The old shafts were discovered in which they worked, as also some of the machinery they used.[1] Be this supposition correct or not, if the articles we have mentioned were of European workmanship, or if the material was obtained of civilized people, we must take for granted, until evidence to the contrary is produced, that the mound in which they were found was built after the commencement of the sixteenth century, hence by Indians, and in all probability by the Cherokees.

Our next argument is the discovery in the ancient works of this region of evidences that the habits and customs of the builders were similar to those of the Cherokees and some of the immediately surrounding tribes.

I have already alluded to the evidence found in the mound opened by Professor Carr, that it had once supported a building similar to the council house observed by Bartram on a mound at the old Cherokee town, Cowe. Both were on mounds, both were circular, both were built on posts set in the ground at equal distances from each other, and each had a central pillar.

As confirming this statement of Bartram, we are informed in Ramsey's Annals of Tennessee[2] that when Colonel Christian marched against the Cherokee towns, in 1776, he found in the center of each "a circular tower rudely built and covered with dirt, 30 feet in diameter, and about 20 feet high. This tower was used as a council house and as a place for celebrating the green-corn dance and other national ceremonials." Lawson, who traveled through North Carolina in 1700, says:[3] "They [the Indians] oftentimes make of this shell [alluding to a certain large sea shell] a sort of gorge, which they wear about their neck in a string, so it hangs on their collar, whereon is sometimes engraven a cross or some odd sort of figure which comes next in their fancy." Beverly, speaking of the Indians of Virginia, says:[4] "Of this shell they also make round tablets of about 4 inches in diameter, which they polish as smooth as the other, and sometimes they etch or grave thereon circles, stars, a half-moon, or any other figure, suitable to their fancy."

Now it so happens that, in the same mound in which the iron specimens before alluded to were found, and in other mounds in the same section, the Bureau assistants discovered shell ornaments precisely of the character described by these old writers. Some of them were smooth and without any devices engraved on them, but with holes for insert-

[1] Jones, Southern Indians, p. 18.

[2] Page 169.

[3] History of Carolina, Raleigh, reprint, 1850, p. 315.

[4] History of Virginia, London, 1705, p. 58.

ing the strings by which they were to be held in position; others were engraved with figures which would readily be taken for stars and half-moons, and one among the number had a cross engraved on it. The testimony in this case that these relics were the work of the Indians found in possession of the country at the time of the discovery is, therefore, too strong to be put aside by mere conjectures or inferences. If the work of the Indians, then they must have been used by the Cherokees and buried with their dead. The engraved figures are strangely uniform, indicating some common origin, but the attempt to trace this is foreign to our present purpose. In these mounds were found a large number of nicely carved soapstone pipes, usually with the stem made in connection with the bowl, though some were without this addition, consisting only of the bowl, with a hole for the insertion of a cane or wooden stem.

By turning to Adair's "History of the North American Indians,"[1] we find the following statement:

> They [the Indians] make beautiful stone pipes, and the Cherokees the best of any of the Indians, for their mountainous country contains many different sorts and colors of soils proper for such uses. They easily form them with their tomahawks, and afterwards finish them in any desired form with their knives, the pipes being of a very soft quality till they are smoked with and used with the fire, when they become quite hard. They are often a full span long, and the bowls are about half as long again as those of our English pipes. The fore part of each commonly runs out, with a sharp peak two or three fingers broad and a quarter of an inch thick.

Not only were pipes made of soapstone found in these mounds, but two or three were obtained precisely of the form mentioned by Adair, with the fore part running out in front of the bowl; and another of the same form has been found in a mound on the Kanawha, which is at least suggestive. Jones says:[2]

> It has been more than hinted by at least one person whose statement is entitled to every belief, that among the Cherokees dwelling in the mountains there existed certain artists whose professed occupation was the manufacture of stone pipes, which were by them transported to the coast and there bartered away for articles of use and ornament foreign to and highly esteemed among the members of their own tribe.

This not only strengthens our conclusion, drawn from the presence of such pipes in the mounds alluded to, but may also assist in explaining the presence of the copper ornaments in them. The writer last quoted says:[3]

> Copper implements are rarely found in Georgia. The present [a copper ax] is the finest specimen which, after no mean search, has rewarded our investigations. Native copper exists in portions of Cherokee Georgia, Tennessee, North Carolina, and Alabama, but it is generally found in combination with sulphur and not in malleable form. We are not aware of any locality among those enumerated whence the Indians could have secured that metal either in quantity or purity sufficient to have enabled them to manufacture this implement.

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[1] Page 423. [2] Antiquities of the Southern Indians, p. 400. [3] Page 228.

Adair says:[1]

From the time we supplied them with our European ornaments they have used brass and silver ear-rings and finger-rings; the young warriors now frequently fasten bell-buttons or pieces of tinkling brass to their moccasins.

From these facts I am inclined to believe that most of the copper used by them was obtained directly or indirectly from the whites, and hence subsequent to the discovery of America. But should this supposition be erroneous, the fact still remains that the Cherokees were in the habit of using just such ornaments as we find in these mounds.

As showing that the Europeans began to trade copper to the Indians at a very early day, I call attention to a statement made by Beverly in his "History of Virginia."[2] Speaking of a settlement made at Powhatan, six miles below the falls of James River, in 1609, he says it was "bought of Powhatan for a certain quantity of copper."

By reference to Smith's History and the narratives of the early explorers we find that the amount of sheet copper traded to the Indians and taken by them from wrecks was quite large.

But we are not yet through with the items under this class of testimony.

Haywood, in his "Natural and Aboriginal History of Tennessee,"[3] says:

Mr. Brown, a Scotchman, came into the Cherokee Nation in the year 1761 and settled on the Hiawassee River or near it. He saw on the Hiawassee and Tennessee the remains of old forts, about which were axes, guns, hoes, and other metallic utensils. The Indians at that time told him that the French had formerly been there and built these forts.

I am fully aware that this author indulges in some extravagant speculations; still, so far as I have tested his original statements I have generally found them correct. During the year 1883 one of the assistants of the Bureau was sent to this particular region, which is too limited to allow the question of locality to be raised. An overflow and a change in the channel of the river brought to light the remains of old habitations and numerous relics of the people who formerly dwelt there. Moreover, this was in the precise locality where tradition located a Cherokee town. Digging was resorted to in order to complete what the water had begun.

Now let me mention some of the things obtained here:

Ten discoidal stones, precisely like those from the mounds of Caldwell County, North Carolina.

Nine strings of glass beads.

A large number of shell beads exactly like those from the mounds.

A number of flint arrow-points.

One soapstone pipe.

Some pieces of smooth sheet-copper.

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[1] History of North America. [2] Page 19. [3] Page 324.

Three conical copper ear-pendants.
Three buttons of modern type.
One small brass gouge.
Fragments of iron articles belonging to a bridle.
One bronze sleigh-bell.
One stone awl or drill.
Fragment of a soapstone pot.
One soapstone gorget.
Several polished stone celts of the same pattern as those found in the North Carolina mounds.
Grooved stone axes.
A piece of sheet lead.

This admixture of articles of civilized and savage life confirms the statement made by Haywood, at least so far as regards the early presence of white people in this section. It follows from what has been presented that the Indians must have been Cherokees, and the fact that the implements and ornaments of aboriginal manufacture found here are throughout precisely like those found in the mounds before mentioned affords a very strong proof that they were built by the Cherokees.

It is worthy of notice that close by the side of this washout stands a mound. Permission to open it has not yet been obtained.

Returning to our mounds, we note that a large number of stones, evidently used for cracking nuts, were found in and about them; some charred acorns, or nuts of some kind, were also found in them. We have only to refer to Adair and other early writers to see how well the indications agree with the customs of the Cherokees.

According to the Cherokee tradition, they found a settlement of Creeks on the Lower Hiawassee, when they reached that region, and drove them away. Ramsay expresses the opinion in his Annals of Tennessee, on what authority is not known, that this was a Uchee settlement. Hence the southern boundary of their possessions, at this early date, which must have been before the time of De Soto's expedition, was about the present northern boundary of Georgia. That their borders, at the time of De Soto's march, extended into northeastern Georgia is proved by the chroniclers of his expedition, but that they did not reach as far south as Bartow County can be shown from one somewhat singular circumstance, which, at the same time, will furnish strong reasons for believing that the authors of the works immediately south of this boundary could not have built the mounds we have been considering.

It will be admitted, I presume, by every one, that the people over whom the famous cacique of Cutifachiqui reigned could not have been Cherokees; yet her territory included Xuala, probably in Nacoochee valley, and extended westward well toward Guaxule on the headwaters of the Coosa, but that the latter was not within the territory of her tribe is expressly stated by Garcilasso de la Vega. I think it may be safely assumed that her people were Creeks; and, if so, that the people of

Guaxule, who, as we judge from the chroniclers of De Soto's expedition, were mound-builders, belonged to another distinct tribe.

Garcilasso, who is our authority in reference to the first point now to be considered, says:

La casa estava en un cerro alto, como de otras semejantes hemos dicho. Tenia toda ella al derredor un paseadero que podian pasearse por el seis hombres juntos.[1]
The house was on a high hill (mound) similar to others we have already mentioned. It had all round about it a roadway on which six men could walk abreast.

This language is peculiar, and, so far as I am aware, can apply to no other mound in Georgia than the large one near Cartersville. The words "similar to others we have mentioned," are evidently intended to signify that it was artificial, and this is conceded by all who have noted the passage. The word "alto" (high), in the mouth of the explorers, indicates something more elevated than the ordinary mounds. The roadway or passageway (paseadero) "round about it" is peculiar, and is the only mention of the kind by either of the three chroniclers. How is it to be explained?

As Garcilasso wrote from information and not from personal observation he often failed to catch from his informants a correct notion of the things described to him; this is frequently apparent in his work where there is no reason to attribute it to his vivid imagination. In this case it is clear he understood there was a terrace running entirely around the mound, or possibly a roadway around the top outside of a rampart or stockade.

But as neither conclusion could have been correct, as no such terrace has been found in any part of this region, and a walk around the summit would have thwarted the very design they had in view in building the mound, what was it Garcilasso's informants saw? C. C. Jones says "a terrace," but it is scarcely possible that any terrace at the end or side of a southern mound, forming an apron-like extension (which is the only form found there), could have been so described as to convey the idea of a roadway, as the mode of estimating the width shows clearly was intended.

The broad way winding around and up the side of the Etowah mound (Fig. 39) appears to answer the description better than any other in

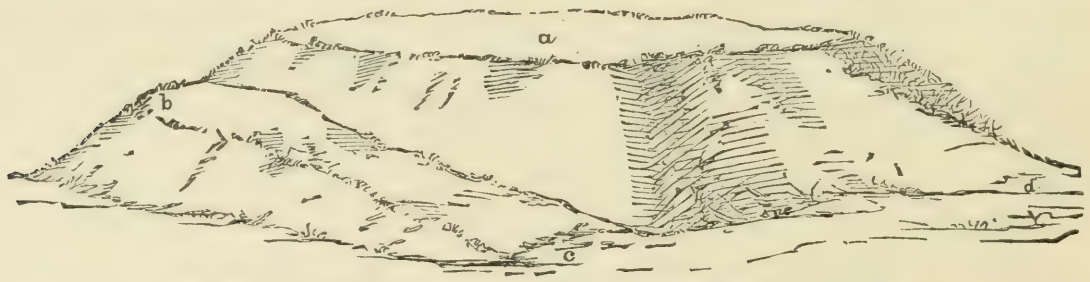

FIG. 39.—Large mound of Etowah group, Bartow County, Georgia.

Georgia. It is a large mound, high, and one that would doubtless attract the attention of the Spanish soldiers; its dimensions indicate that

[1] History of Florida, edition 1723, Lib. III, Cap. XX, p. 139, and edition of 1605.

the tribe by which it was built was strong in numbers and might easily send forth five hundred warriors to greet the Spaniards. The locality is also within the limits of De Soto's route as given by the best authorities; and lastly, there is no other mound within the possible limits of his route which will in any respect answer the description. As Garcillasso must have learned of this mound from his informants, and has described it according to the impression conveyed to his mind, we are justified in accepting it as a statement of fact. I am, therefore, satisfied that the work alluded to is none other than the Etowah mound near Cartersville, Georgia, and that here we can point to the spot where the unfortunate Adelantado rested his weary limbs and where the embassadors of the noted cacique of Cutifachiqui delivered their final message.

Recently the smallest of the three large mounds of this group was opened and carefully explored by Mr. Rogan, one of the Bureau assistants. As the result will be of much interest to archæologists aside from the question now under discussion, although belonging to the southern type of burial mounds not discussed in this paper, I will venture to give a description of its construction and contents as a means of comparison and as also bearing somewhat on the immediate question under discussion. This mound is the one marked *c* in Jones's plate;[1] also *c* in Colonel Whittlesey's figure 2.[2] A vertical section of it is given

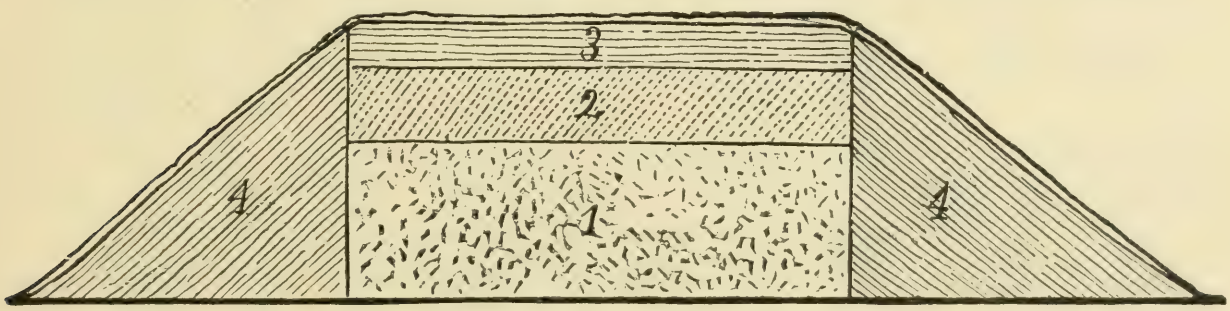

FIG. 40.—Vertical section, small mound, same group.

in Fig. 40. The measurements, as ascertained by Mr. Rogan, are as follows: Average diameter at the base, 120 feet; diameter of the level top, 60 feet; height above the original surface of the ground, 16 feet. The form is more nearly that of a truncated cone than represented in the figures alluded to.

The construction was found, by very thorough excavation, to be as follows: the entire surrounding slope (No. 4, Fig. 40) was of hard, tough red clay, which could not have been obtained nearer than half a mile; the cylindrical core, 60 feet in diameter and extending down to the original surface of the ground, was composed of three horizontal layers; the bottom layer (No. 1) 10 feet thick, of rich, dark, and rather loose loam; the next (No. 2) 4 feet thick, of hard, beaten (or tramped) clay,

[1] Jones's Antiquities of the Southern Indians, Chap. VI, Pl. I.

[2] Smithsonian Report 1880, p. 624.

so tough and hard that it was difficult to penetrate it even with a pick; and the uppermost (No. 3) of sand and surface soil between 1 and 2 feet thick. A trench was dug from opposite sides to the central core; and when the arrangement was ascertained, this central portion was carefully explored to the original surface of the ground.

Nothing was found in the layer of clay (No. 2) except a rude clay pipe, some small shell beads, a piece of mica, and a chunkee stone. The burials were all in the lower layer (No. 1), of dark rich loam, and chiefly in stone cists or coffins of the usual box-shape, formed of stone slabs, and distributed horizontally, as shown in Fig. 41, which is a plan of this lower bed.

According to Mr. Rogan's field-notes, the form and contents of these graves and the mode of burial in them were as follows:

Grave *a*, Fig. 41.—A stone sepulcher, 2½ feet wide, 8 feet long, and 2 feet deep, formed by placing steatite slabs on edge at the sides and

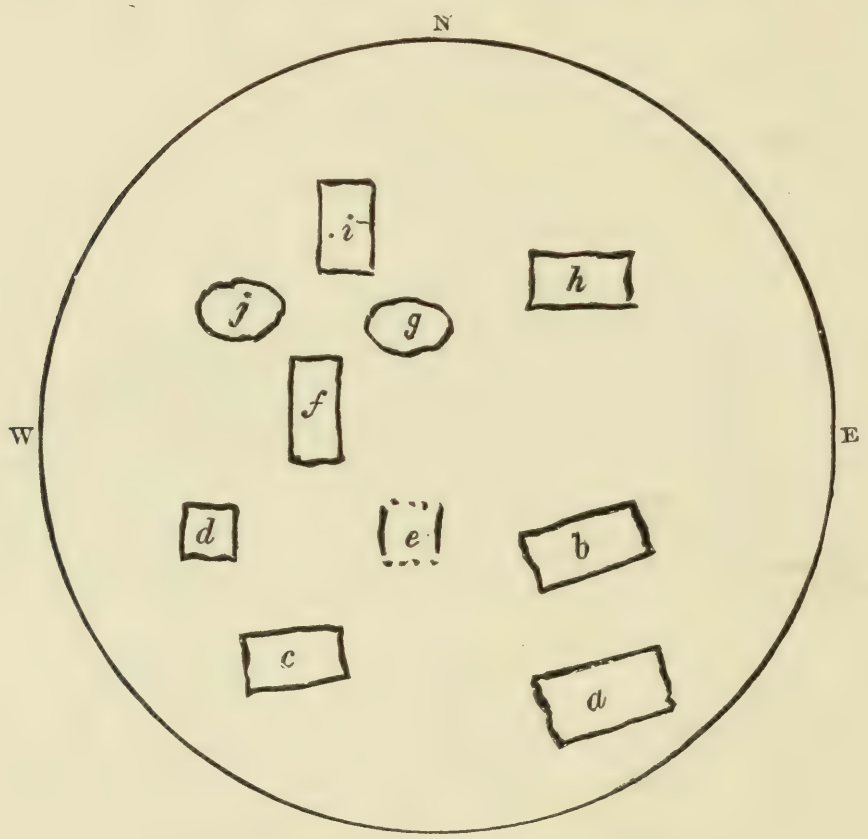

FIG. 41.—Plan of burials in small mound.

ends, and others across the top. The bottom consisted simply of earth hardened by fire. It contained the remains of a single skeleton, lying on its back, with the head east. The frame was heavy and about 7 feet long. The head was resting on a thin copper plate, ornamented with stamped figures; but the skull was crushed and the plate injured by fallen slabs. Under the copper were the remains of a skin of some kind; and under this, coarse matting, probably of split cane. The skin and matting were both so rotten that they could be secured only in frag-

ments. At the left of the feet were two clay vessels, one a water-bottle, and the other a very small vase. On the right of the feet were some mussel and sea-shells; and immediately under the feet two conch-shells (*Busycon perversum*), partially filled with small shell beads. Around each ankle was a strand of similar beads. The bones and most of the shells were so far decomposed that they could not be saved.

Grave *b*.—A stone sepulcher, 4¼ feet long, 2 feet wide, and 1½ feet deep, differing from *a* only in size and the fact that the bottom was covered with stone slabs. The skeleton was extended on the back, head east. On the forehead was a thin plate of copper, the only article found.

Grave *c*.—A stone sepulcher, 3½ feet long, 1½ feet wide, and 1½ deep; the bottom being formed of burnt earth. Although extending east and west, as shown in the figure, the bones had probably been interred without regard to order and disconnected, the head being found in the northeast corner with face to the wall and the remaining portion of the skeleton in a promiscuous heap. Yet there was no indication of disturbance after burial as the coffin was intact. Between some of the bones was found a thin plate of copper that had been formed by uniting and riveting together smaller sections. Some of the bones found in this grave were saved.

Grave *d*.—A small sepulcher, 1½ feet square by 1 foot deep, contained the remains of an infant, also a few small shell beads. The slabs forming the sides and bottom of this grave bore very distinct marks of fire.

Grave *e*.—Simply a headstone and footstone, with the skeleton of a very small child between them; head east. On the wrists were some very small shell beads. The earth on the north and south sides had been hardened in order to form the walls.

Grave *f*.—Stone sepulcher, 6 feet long, 3 feet wide, and 1½ feet deep, with stone in the bottom; skeleton with the head north. There was a lot of copper about the head, which, together with the skeleton, was wrapped in a skin. The head rested on a large conch-shell (*Busycon perversum*), and this on the remains of a coarse mat. Shell beads were found around the neck, each wrist, and ankle. On the right was a small cup, and on the breast an engraved shell. The copper had preserved a portion of the hair, which was saved; portions of the skin and matting were also secured.

Immediately under *b* was another stone grave or coffin, 3 feet long, 1½ feet wide, and as deep, extending north and south. The head of the skeleton was toward the north, but the feet were doubled back under the frame in order to get it in the allotted space. The only things found with this skeleton were some beads around the neck.

At *g* the remains of a child were found without any stones about them. Some shell beads were around the neck and wrists and an engraved shell on the breast.

Grave *h*.—A stone sepulcher, 1½ feet square and 1 foot deep, stone slabs on the four sides and top; the bottom consisted simply of earth hardened by fire. This contained only a trace of bones and presented indications of at least partial cremation, as all around the slabs, outside and inside, was a solid mass of charcoal and the earth was burned to the depth of a foot.

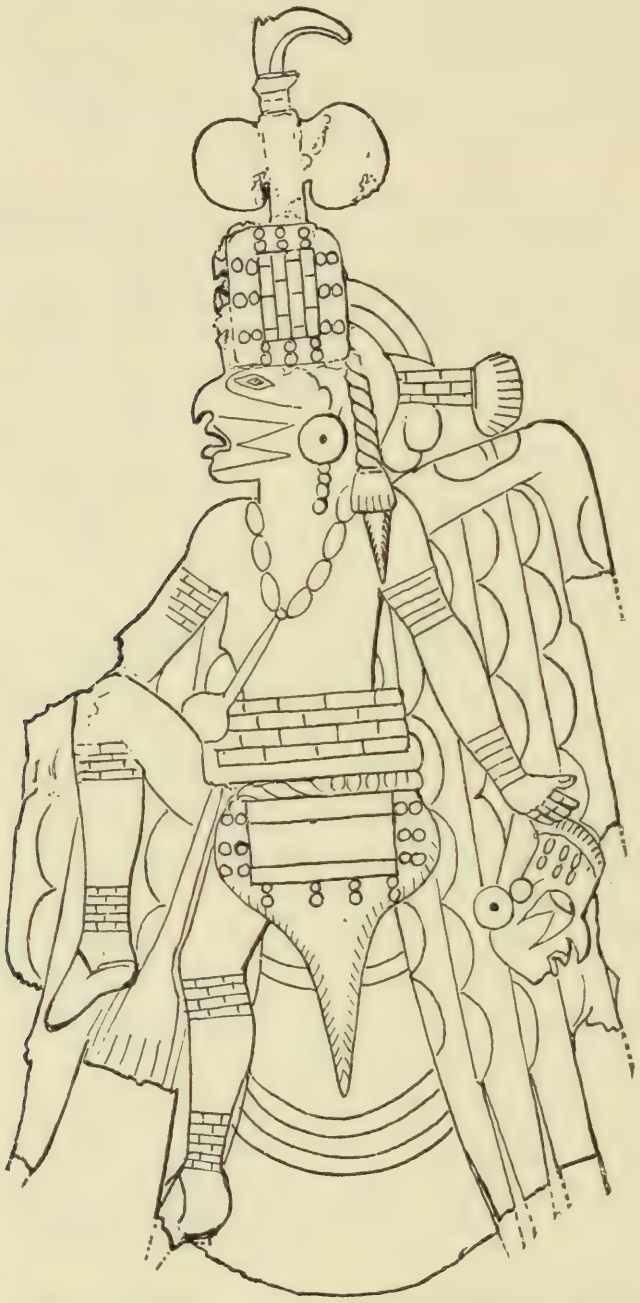

FIG. 42.—Copper plate from Etowah mound Georgia.

Grave *i*.—A stone sepulcher, 4½ feet long, 1½ feet wide, and as deep, the bottom earth; contained the remains of a skeleton resting on the back, head north, and feet doubled back so as to come within the coffin. On the breast was a thin plate of copper, five inches square, with a hole through the center. Around the wrists were beads, and about the neck rather more than a quart of the same.

At *j* were the remains of a small child, without stone surroundings;

under the head was a piece of copper, and about the neck and wrists were shell beads.

These graves were not all on the same level; the top of some being but two feet below the clay bed (No. 2), while others were from two to three feet lower.

All the articles obtained in this mound were forwarded at once to the Bureau of Ethnology and are now in the National Museum. Examining them somewhat carefully since their reception, I find there are

FIG. 43.—Copper plate from Etowah mound, Georgia.

really more copper plates among them than Mr. Rogan supposed, the number and description being as follows:

1. A human figure with wings, represented in Fig. 42. This is 13 inches long and 9 inches wide. A portion of the lower part, as shown by the figure, is wanting, probably some 3 or 4 inches. There is a break across the middle, but not sufficient to interfere with tracing out the design. A crown piece to the head ornament is also wanting.

2. Also a human figure, shown in Fig. 43. Length, 16 inches; width, $7\frac{1}{2}$ inches.

3. Figure of a bird; this is imperfect, as part of the head and the outer margin of the wings are wanting. Length, 13½ inches; width 7½ inches. This plate shows indubitable evidence of having been formed of smaller pieces welded together, as the overlapping portions can be easily traced. It has also undergone repairs: a fracture commencing on the left margin and running irregularly half-way across the body has been mended by placing a strip of copper along it on the under side and riveting it to the main plate; a small piece has also been riveted to the head and the head to the body; several other pieces are attached in the same way. The rivets are small and the work is neatly done.

4. An ornament or badge of some kind, shown in Fig. 44. The two crescent-shaped pieces are entirely plain, except some slightly impressed lines on the portion connecting them with the central stem. This central stem, throughout its entire length and to the width of six-tenths of

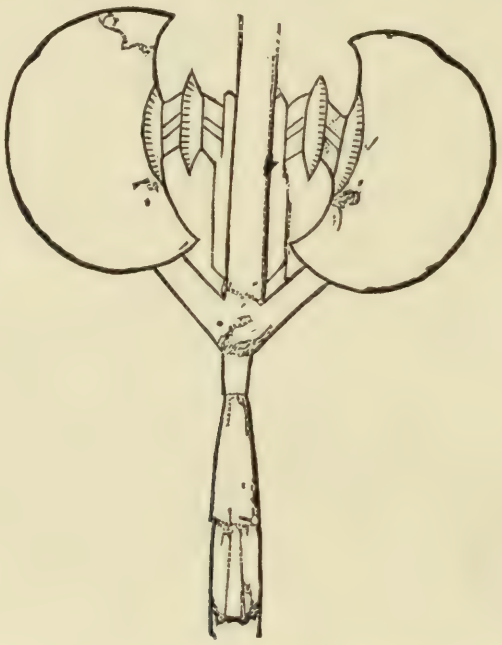

FIG. 44.—Copper badge, from Etowah mound, Georgia.

an inch, is raised, and cross strips are placed at various points along the under side for the purpose of inserting a slip of bone, a part of which yet remains in it, and is seen in the figure at the break immediately below the point where the oblique strips meet. This specimen presents, as I believe, indubitable evidence that the workmen who formed it made use of metallic tools, as the cutting in this case could not possibly have been done with anything except a metallic implement. A single glance at it is sufficient to satisfy any one of the truth of this assertion. Length of the stem, 9 inches; width across the crescents, 7½ inches.

5. Part of an ornament similar to No. 4. These plates, especially No. 4, appear to be enlarged patterns of that seen behind the head of Fig. 43.

6. An ornament or badge, shown in Fig. 45, which Mr. Rogan, when he found it under the head of the skeleton in grave *a*, was inclined to consider a crown. It is imperfect, a narrow strip across the middle and a portion of the tip being missing. As shown in the figure, it measures

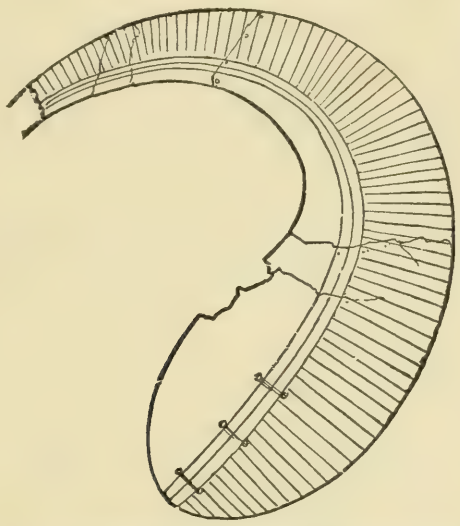

FIG. 45.—Copper badge, from Etowah mound, Georgia.

around the outer border 19 inches and across the broad end 3½ inches. The six holes at the larger end, in which the remains of strings can be detected, indicate that when in use it was attached to some portion of the dress or fastened on a staff.

FIG. 46.—Engraved shell from Etowah mound, Georgia.

7. A fragment from the larger end of a piece similar to the preceding. Attached to this is a piece of cloth.

In addition to the foregoing, there are a number of small fragments probably broken from these plates, but, so far, I have been unable to fit them to their proper places.

These plates and the ones mentioned below are very thin, and as even and smooth (except as interrupted by the figures) as tin plate. The figures are all stamped, the lines and indentations being very sharp and regular.

An examination of what Mr. Rogan calls a skin shows beyond question that it is animal matter. The matting he speaks of appears to be made of split canes.

The shell represented in Fig. 46 is the one obtained in grave *g*. The one shown in Fig. 47 is that found in grave *f*.

FIG. 47.—Engraved shell from Etowah mound, Georgia.

I shall at present simply call attention to one or two facts which appear to bear upon the age and distribution of these singular specimens of art.

First. We notice the fact alluded to by Mr. Holmes,[1] which is apparent to every one who inspects his accurately drawn figures, that in all their leading features the designs themselves are suggestive of Mexican or Central American work. Yet a close inspection brings

[1] Science, April 11, 1884.

to light one or two features which are anomalies in Mexican or Central American designs; as, for example, in Figs. 42 and 43, where the wings are represented as *rising from the back of the shoulders*, a fact alluded to by Mr. Holmes.[1] Although we can find numerous figures of winged individuals in Mexican designs (they are unknown in Central American), they always carry with them the idea that the individual is partly or completely clothed in the skin of the bird. This is partially carried out in our copper plate, as we see by the bird-bill over the head, the eye being that of the bird and not of the man. But when we come to the wings we at once see that the artist had in mind the *angel figure*, with wings arising from the *back of the shoulders*, an idea wholly foreign to Mexican art. It is further worthy of note in regard to these two plates that there is a combination of Central American and Mexican designs: the graceful limbs, and the ornaments of the arms, legs, waist, and top of the head are Central American, and the rest, with the exception possibly of what is carried in the right hand, are Mexican.

That these plates are not the work of the Indians found inhabiting the southern sections of the United States, or of their direct ancestors, I freely concede. That they were not made by an aboriginal artisan of Central America or Mexico of ante-Columbian times, I think is evident, if not from the designs themselves, certainly from the indisputable evidence that the work was done with hard metallic tools.

Second. Plates like those of this collection have only been found, so far as I can ascertain, in northern Georgia and northern and southern Illinois. The bird figure represented in Fig. 48 was obtained by Major

FIG. 48.—Copper plate from Illinois mound.

Powell, the director of the United States Geological Survey, from a mound near Peoria, Illinois. Another was obtained in Jackson County, Illinois, by Mr. Thing, from an ordinary stone grave. From another sim-

[1] Science, April, 1884.

ilar grave, at the same place, he also obtained the plate represented in Fig. 49. Fragments of a similar plate were obtained by Mr. Earle from a stone grave in a mound in Alexander County, Illinois. All these spec-

FIG. 49.—Copper plate from Indian grave, Illinois.

imens were received by the Bureau of Ethnology and deposited in the National Museum.

The box-form stone cists and the figures on the copper plates and engraved shells differ so widely from the stone vaults and vestiges of art found in the North Carolina and East Tennessee mounds as to forbid the belief that the works of the two regions were constructed by one and the same people. The stone cists and to some extent the construction of the mound appear to connect the authors with the mound-builders and authors of the stone graves of the Cumberland Valley and Southern Illinois, and several other facts, which we cannot now stop to present, seem to strengthen this suggestion.

The presence of these stone cists in this mound of northern Georgia, when coupled with the fact that similar stone graves are found in Habersham County, indicate a Shawnee or closely allied element where we should expect to find only Creeks or some branch of the Chahta-Muscogee family. This is a puzzle by no means easy of solution, but one which the scope of our paper does not require us to discuss. Still, we may add, that if our conclusions in regard to this group be correct, we must believe that the large mound was built before De Soto reached that region while the one explored was built afterwards. Some facts brought to light by the recent discovery of a cemetery within the area inclosed by the ditch, which I have for some years believed would be found, and for which I caused search to be made, appear to sustain these conclusions, and to indicate that two different peoples have occupied this site and have had a hand in constructing or adding to these works.

Whatever may be our conclusion in reference to these questions, I think it will be conceded that the builders of these Etowah mounds be-

longed to different tribes from those who erected the East Tennessee and North Carolina works, and hence, if we are right in regard to the latter, the Etowah mounds were not built by the Cherokees. The important bearing which this conclusion has upon the question under discussion, as the reader will see, is that the mounds immediately outside of the territory occupied by the Cherokees were built by a different people from those who erected the works in that territory. Thus we see that, judging by the mounds alone, immediately upon passing outside the Cherokee country we encounter a different type of works. This fact, therefore, when taken in connection with the other evidence adduced, becomes strongly corroborative of the view that the Cherokees were the authors of the works in their territory.

CONCLUDING REMARKS.

The results of our examination of the burial mounds of the northern districts may be briefly summed up as follows:

First. That different sections were occupied by different mound-building tribes, which, though belonging to much the same stage in the scale of civilization, differed in most instances in habits and customs to a sufficient extent to mark, by their modes of burial, construction of their mounds, and their works of art, the boundaries of the respective areas occupied.

Second. That each tribe adopted several different modes of burial depending, in all probability, to some extent upon the social condition, position, and occupation of the deceased.

Third. That the custom of removing the flesh before the final burial prevailed very extensively among the mound-builders of the northern sections. The bones of the common people being often gathered together and cast in promiscuous heaps, over which mounds were built.

Fourth. That usually some kind of religious or superstitious ceremony was performed at the burial, in which fire played a prominent part. That, notwithstanding the very common belief to the contrary, there is no evidence whatever that human sacrifice was practiced.

Fifth. That there is nothing found in the mode of constructing these mounds, nor in the vestiges of art they contain, to indicate that their builders had reached a higher culture-status than that attained by some of the Indian tribes found occupying the country at the time of the first arrival of Europeans.

Sixth. That the custom of erecting mounds over the dead continued to be practiced in several localities in post-Columbian times.

Seventh. That the character and condition of the ancient monuments, and the relative uniformity in the culture status of the different tribes shown by the works and the remains of art found in them, indicate that the mound-building age could not have continued in this part of the continent longer than a thousand years, and hence that its commencement probably does not antedate the fifth or sixth century.

Nothing has been found connected with them to sustain or justify the opinion, so frequently advanced, of their great antiquity. The calculations based upon the supposed age of trees found growing on some of them is fast giving way before recent investigations made in regard to the growth of forests, as it has been ascertained that the rings of trees are not a sure indication of age.

Quatrefages may not be correct in fixing the date of the appearance of the "Red skins" in the "basin of the Missouri" in the eighth or ninth century,[1] but nothing has been found in connection with the ancient works of this country, supposing the Indians to have been their authors, to prove that he has greatly erred in his calculation. Other races or peoples may have preceded the mound-builders in this region, but better proof of this is required than that based on the differences between the supposed palæolithic and neolithic implements of New Jersey and other sections, as every type discovered can be duplicated a hundred times in the surface finds from different parts of the country.

Eighth. That all the mounds which have been examined and carefully studied are to be attributed to the indigenous tribes found inhabiting this region and their ancestors.

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[1] The Human Species, English translation, p. 307.

SUPPLEMENTAL NOTE.[1]

BURIAL CEREMONIES OF THE HURONS.[2]

Our savages are not savages as regards the duties which nature herself requires us to render to the dead. They do not yield in this respect to several nations much more civilized. You would say that all their labor and efforts were for scarcely anything but to amass means of honoring the dead. They have nothing too valuable for this purpose; they devote to this use the robes, the hatchets, and the shell beads in such quantities, that you would think to see them, on these occasions, that they were considered of no great value, and yet they are all the riches of the country; you may often see them in midwinter almost entirely naked, while they have good and fine robes in their chests, which they are keeping in reserve for the dead; this is, indeed, their point of honor. It is on this occasion especially that they wish to appear magnificent. But I speak here only of their peculiar funerals.

These good people are not like many Christians, who cannot suffer death to be spoken of, and who, in a mortal sickness, hesitate to break the news to the sick one for fear of hastening his death. Here, when the recovery of any one is despaired of, not only do they not hesitate to tell him that his end is near, but they even prepare in his presence all that is necessary for the burial; they often show him the shroud, the hose, the shoes, and the girdle which he is to wear; frequently they are enshrouded, after their custom, before they have expired, and they hold a feast of farewell to their friends, during which they sing, sometimes without showing any apprehension of death, which they regard very indifferently, considering it only as a change to a life very little different from this. As soon as the dying man has drawn his last breath, they arrange the body in the same position that is to be preserved in the tomb; they do not lay it out horizontally, as is our custom, but crouched, like a ball (en peloton), "quasi en la mesme posture que les enfants sont au ventre de la mere." Until this time they restrain their mourning. After having performed these duties, all in the cabin begin to utter sighs, groans, and lamentations; the children cry *Aistan*, if it is their father, and the mother *Aien*, *Aien*, "My son, my son." No one seeing them thus weeping and mourning would think that they were only ceremonial lamentations; they blend their voices all in one accord and in a lugubrious tone, until some one in authority calls for peace; at once they cease and the captain hastens to announce through all the cabins that such a one is dead. Upon the arrival of the friends they resume their mourning. Frequently some one of more importance will begin to speak and will console the mother and the children, now extolling the deceased, praising his patience, his kindness, his liberality, his magnificence, and, if he was a warrior, his great courage; now saying, "What do you wish? there is no longer any remedy; it was necessary for him to die; we are all subject to death;" and then, "He lingered a very long time," &c. It is true that on this occasion they do not lack for conversation; I am sometimes surprised to see them discourse a long time on this subject, and bring up, with much discretion, all considerations that may afford any consolation to the friends of the deceased.

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[1] Referred to on p. 71.

[2] Translated from Relations des Jésuites, 1636, pp. 128–139, by Miss Nora Thomas.

Notice is also given of this death to the friends who live in other villages, and as each family employs another who has the care of their dead, they come as soon as possible to give orders about everything and to fix the day of the funeral. They usually inter the dead on the third day; in the morning the captain gives an order that kettles shall be boiled for the deceased throughout the village. No one spares his best efforts. They do this, in my opinion, for three reasons: First, to console each other, for they exchange dishes among themselves, and scarcely any one eats out of the kettle that he has prepared; secondly, on account of the arrival of those of other villages, who often come in large numbers, lastly and principally, to gratify the soul of the deceased, who, they think, takes pleasure in eating his share. All the kettles being emptied, or at least distributed, the captain informs all the village that the body is to be carried to the cemetery. All the people assemble in the cabin; the mourning is renewed, and those who have charge of the funeral prepare a litter upon which the body is placed, laid upon a mat and wrapped in a robe of beaver skin; they then raise it and carry it by the four corners. All the people follow in silence to the cemetery.

There is in the cemetery a tomb made of bark and raised on four stakes of from 8 to 10 feet in height. While the body is placed in this and the bark is trimmed, the captain makes known the presents that have been given by the friends. In this country, as well as in others, the most agreeable consolations for the loss of relations are always accompanied by presents, which consist of kettles, hatchets, beaver skins, and necklaces of shell beads. If the deceased was of some importance in the country, not only the friends and neighbors but even the captains of other villages will come in person to bring their presents. Now, all these presents do not follow the body into the tomb; a necklace of beads is sometimes placed on its neck and near it a comb, a gourd-full of oil, and two or three small loaves of bread; that is all. A large part of them goes to the relatives to dry their tears; the rest is given to those who have had charge of the funeral, to pay them for their trouble. They also keep in reserve some robes or hatchets to make presents (largesse) to the young men. The captain places in the hand of one of them a stick about a foot long, offering a prize to any one who will take it from him. They throw themselves headlong upon him and remain engaged in the contest sometimes for an hour. After this each one returns peaceably to his cabin.

I forgot to say that generally throughout the ceremony the mother or wife stands at the foot of the sepulcher, calling the deceased, singing, or rather lamenting, in mournful tones.

These ceremonies are not always all observed; those who die in war they place in the ground, and the relatives make presents to their patrons, if they have any, which is generally the case in this country, to encourage them to raise soldiers and avenge the death of the warrior. Those who are drowned are also buried, after the most fleshy parts of the body have been taken away in pieces, as I have explained more particularly in speaking of their superstitions. The presents are doubled on this occasion, and all the people of the country are often there, contributing from their store; all this, they say, is to appease the Heaven or the Lake.

There are even special ceremonies for small children deceased under one or two months; they are not placed as others, in sepulchers of bark raised on stakes, but buried in the road, in order, they say, "que quelque femme passant par là, ils entrent secrètement en son ventre, et que derechef elle leur donne la vie et les enfante." I doubt that the good Nicodemus would have found much difficulty there, although he doubted only for old men, "*Quomodo potest homo nasci cum sit senex.*"

This beautiful ceremony took place this winter in the person of one of our little Christians, who had been named Joseph in baptism. I learned it on this occasion from the lips of the father of the child himself.

When the funeral is over the mourning does not cease: the wife continues it all the year for her husband, the husband for the wife; but the grand mourning itself

lasts only ten days. During this time they remain lying on their mats wrapped in their robes, with their faces against the earth, without speaking or replying to anything, save *Cŏay*, to those who come to visit them. They do not warm themselves in winter or eat warm things; they do not go to the feasts nor go out, save at night, for what they need; they cut a lock of hair from the back of the head and declare that it is not without deep sorrow, especially when the husband performs this ceremony on the death of his wife, or the wife on the death of her husband. Such is the great mourning.

The lesser mourning lasts all the year. When they wish to visit any one, they do not salute them nor say *Cŏay*, neither do they grease their hair. The women do this, however, when commanded to do so by their mothers, who have at their disposal their hair, and even their persons. It is also their privilege to send their daughters to the feasts, without which several will not go. What I think strange is that during the whole year neither the wife nor the husband marries again, else they would cause themselves to be talked about in the country.

The sepulchers are not perpetual, as their villages are only permanent for some years, as long as the wood lasts. The bodies remain in the cemeteries only until the feast of the dead, which usually takes place every twelve years. During this time they do not neglect to honor the dead often. From time to time kettles are boiled for their souls throughout the village, as on the day of the funeral, and their names are revived as often as possible. For this purpose presents are given to the captains to be given to him who will consent to take the name of the deceased; and if the latter was of consideration and had been esteemed in the country during his life, he who represents him, after giving a grand feast to all the people of the country, to introduce himself under this name, raises a body of free young men and goes to war to accomplish some brave feat which will show to the nation that he has not only inherited the name but also the bravery and courage of the deceased.

THE SOLEMN FEAST OF THE DEAD.

The feast of the dead is the most celebrated ceremony that takes place among the Hurons. They give it the name of festival for the reason, as I should say now, that when the bodies are taken from the cemeteries each captain makes a "feast to the souls" in his village. The most important and magnificent is that of the master of the feast, who is for this reason called, par excellence, the "Maistre du Festin."

This feast is full of ceremonies, but the chief one is evidently that of "boiling the kettle." This outdoes all the others, and the festival of the dead is spoken of, even in the most serious councils, only under the name Chaudiere (the kettle). They appropriate to it all the terms of cookery, so that when they speak of hastening or retarding the feast they say "rake out" or "stir up the fire under the kettle;" and when any one says "the kettle is overturned," that means there will be no feast.

There is generally only one festival in each nation. All the bodies are placed in the same grave. I say generally, for this year when the fête des Morts took place the kettle-boiling was divided and five villages at this point where we are stationed made a separate band and placed their dead in a separate grave. He who had been captain of the preceding feast, and who is like the chief at this point, made the excuse that his kettle and his feast had been spoiled and that he was obliged to make another. But, in fact, this was only a pretext. The real reason of this separation is that the great heads of the village have complained for a long time that the others took everything to themselves, that they did not share as they wished the knowledge of the affairs of the country, and that they were not called to the most secret and important councils and to the division of the presents.

This separation has been followed by distrust on both sides. God grant that it cause no hindrance to the spreading of the sacred Gospel. But I must touch briefly upon the order and the events of the feast.

The twelve years or more having expired, the old people and great men of the na-

tion assemble to decide upon the time when the feast shall be held, so as to satisfy all the people of the country and the outside nations who are to be invited.

When the decision is made, as all the bodies are to be transported to the village where the common grave is made, each family takes charge of its dead with a care and affection that cannot be described. If they have relatives buried in any part of the country whatever they spare no trouble to go and bring them. They take them from the cemeteries, carry them on their own shoulders, and cover them with the finest robes they have in their possession. In each village a good day is chosen, and they repair to the cemetery, where those called *Aiheonde*, who have had the care of the sepulcher, take the bodies from the tomb in the presence of the relatives, who renew their tears and repeat the mourning of the day of the funeral.

I was present at this ceremony, and willingly invited all our servants, for I do not think that there can be seen in this world a livelier image or more perfect representation of the condition of man.

It is true that in France our cemeteries speak forcibly, and that all these bones heaped upon one another without distinction, the poor with the rich or the small with the great, are so many voices continually reminding us of death, the vanity of worldly things, and the insignificance of this present life. But it seems to me that the custom of our savages on this occasion shows us still more sensibly our wretchedness, for after the graves are opened all the bodies are laid out on the ground and left thus uncovered for some time, giving the spectators an opportunity for once to see what will be their condition some day. Some of the bodies are entirely devoid of flesh and have only a dry skin on the bones; others appear as if they had been smoked and dried and show scarcely any signs of decay. Others still are covered with worms.

The friends, being satisfied with this sight, cover them with handsome robes of beaver-skin, entirely new. Finally, after a while, they strip off the flesh and the skin, which they throw into the fire, together with the robes and mats in which the bodies have been buried. The complete bodies of those newly buried are left in the same condition and the friends content themselves with simply covering them with new robes. They touched only one old man, of whom I have spoken heretofore, who died this autumn on the return from fishing. This large body had only begun to decay a month ago, at the time of the first heat of spring; the worms were swarming all over it, and the pus which came from it caused an odor almost intolerable; nevertheless they had the courage to take the body from the robe in which it was enveloped, cleansed it as much as possible, took it up carefully and placed it in a new mat and robe, and all this was accomplished without exposing any of this corruption. Is here not a good example to animate the hearts of Christians, who should have more noble ideas to deeds of charity and works of pity towards their brethren? After this who will look with horror upon the misery of a hospital? And who will not feel a peculiar pleasure in serving a sick man covered with wounds, in whose person he serves the Son of God?

As they were stripping the bodies they found in two of them a species of charm. The one that I saw with my own eyes was a turtle's egg with a leather strap (courroye); the other, which was examined by our fathers, was a small turtle the size of a nut. This leads to the belief that there were sorcerers in our village, on account of which some resolved to leave it as soon as possible. Indeed, two or three days after one of the richest men, fearing that some misfortune would befall him, transported his cabin two miles from us to the village of Arontaen.

Now, when these bones are well cleaned, part of them are placed in sacks, part in blankets, and they carry them on their shoulders, covering these bundles with other beautiful hanging robes. Entire bodies are put on a sort of litter and carried with all the others, each one taking his bundle into his cabin, where every family makes a feast to its dead.

Returning from this festival with a captain, who has considerable intelligence and who will be some day of high standing in the affairs of the country, I asked him why

they called the bones of the dead *Atisken*. He explained as clearly as he could, and I learned from what he said that many believe that we have two souls, both divisible and material and yet both rational; one leaves the body at death, but remains, however, in the cemetery until the feast of the dead, after which it either is changed into a turtle-dove, or according to the more general belief, it goes immediately to the village of souls.

The other soul is attached to the body; it marks the corpse, as it were, and remains in the grave after the feast, never to leave it, "si ce n'est que quelqu'vn l'enfante de rechef." He mentioned to me, as a proof of this metempsychosis, the perfect resemblance which some persons bear to others who are deceased. Here is a grand philosophy. This is why they call the bones of the dead *Atisken*, "the souls."

A day or two before departing for the feast they carried all these bodies into one of the largest cabins of the village, where some of them were attached to the poles of the cabin, and others laid around it, and the captain entertained and made a grand feast in the name of the deceased captain, whose name he bore. I was present at this "feast of spirits," and observed four things in particular: First, that the offerings which were given for the feast by the friends, and which consisted of robes, necklaces of shell beads, and kettles, were hung on poles extending the whole length of the cabin from one side to the other. Second, the captain sang the song of the dead captain, according to the desire he had expressed before his death, that it should be sung on this occasion. Third, all the guests had the privilege of dividing among themselves all the good things they had brought, and even of carrying them home, contrary to the custom at ordinary feasts. Lastly, at the close of the feast, as a compliment to him who had entertained them, they imitated as they sang the cry of the spirits, and left the cabin crying *haéé haé*.

The master of the feast, and even *Anenkhiondic*, captain-general of all the country, sent to invite us several times with much solicitation. You would have thought that the feast could not be a success without us. I sent two of our fathers several days beforehand to see the preparations and to learn exactly the day of the feast. *Anenkhiondic* received them very kindly, and on their departure conducted them himself a quarter of a league from there to where the grave was dug, and showed them with much display of emotion all the arrangements, &c., of the feast.

This feast was to have taken place on the Saturday of Pentecost, but some affairs which came up unexpectedly, and the uncertainty of the weather, caused it to be put off until Monday.

The seven or eight days before the feast were passed in collecting the bodies (les âmes) as well as assembling the strangers who were invited; meanwhile from morning till night gifts were distributed by the living to the young men in honor of the dead. On one side women were drawing the bow to see who should have the prize, which was sometimes a girdle of porcupine quills or a necklace of beads; on the other hand, in several parts of the village the young men were drawing clubs upon any who would try to capture them. The prize of this victory was a hatchet, some knives, or even a beaver robe. Every day the remains were arriving. There is some pleasure in seeing these funeral processions which number sometimes from two to three hundred persons. Each one carries the remains of his friends, that is the bones, packed upon his back after the manner that I have described, under a beautiful robe. Some arranged their packets in the shape of a man, decorated with strings of beads, with a fine crown of red hair. On leaving their village the whole company cried *haéé haé* and repeated this "cry of the spirits" all along the way. This cry, they say, comforts them greatly, otherwise their burdens, although souls, would weigh very heavily and cause a weakness of the side (costé) for the rest of their lives. They travel by short stages; the people of our village were three days in going four leagues and in reaching *Ossossané*, which we call Rochelle, where all the ceremonies were to be held. As soon as they arrive near any village they shout again the haéé haé. The whole village comes out to meet them; many presents are again distributed on this

occasion. Each one repairs to some one of the cabins; all find a place to put their bundles; this is done without confusion. At the same time the captains hold a council to decide upon the time that the company shall spend in this village. All the bodies of the dead of eight or nine villages were taken to Rochelle on Saturday of Pentecost; but the fear of bad weather obliged them, as I have said, to postpone the ceremony till Monday. We were lodged a quarter of a league from there, at the old village, in a cabin where there were at least a hundred skeletons hung up to the poles, some of which smelled stronger than musk.

Monday at midday, word was sent that they were ready and that the ceremony would begin. The bundles of skeletons were at once taken down and the friends unfolded the wrappings to say their last farewells. Their tears flowed anew. I admired the tenderness of one woman towards the remains of her father and children. She is the daughter of a captain who died at a great age and who formerly occupied a high position in the country. She combed his hair; she touched the bones one after another with as much affection as if she would have given them life; she placed near him his *Atsatonesai*, that is, his packet of rods (bûchettes) of the council, which are all the books and papers of the country. As for her children, she put upon their arms bracelets of shells and glass beads and bathed their bones with her tears. She could hardly be separated from them, but they were in haste, and it was necessary to start at once. The one who carried the body of this old captain walked at the head, the men following and then the women. They marched in this order until they arrived at the grave.

The following is the arrangement of this place: There was a space about as large as the Place Royale at Paris. In the center was a large grave about 10 feet (pieds) deep and 5 fathoms (brasses) in diameter, round it a scaffolding and a sort of stage nicely made, from 9 to 10 fathoms (brasses) in diameter and 9 or 10 feet high; above the stage there were several poles raised and well arranged, and others laid across them on which to hang all the bundles of skeletons. The entire bodies, as these were to be placed at the bottom of the grave, were laid under the scaffolding the day before, resting on bark, or mats raised on stones to the height of a man around the grave. The whole company arrived with the bodies about an hour after midday, and divided into parties according to the families and villages, and laid their bundles upon the ground, almost as the pots of earth were made at the village fairs; they also unfolded their robes and all the offerings they had brought and hung them upon the poles which extended for from 500 to 600 fathoms (toises); there were nearly twelve hundred gifts which remained thus on exhibition for two whole hours, to give strangers an opportunity to see the riches and magnificence of the country. I did not find the company as great as I had expected; there were not more than two thousand persons. About 3 o'clock each one fastened up his bundles and folded his robes. Meanwhile each captain, in order, gave a signal, and all immediately took up their bundles of bones, ran as if at the assault of a city, mounted upon this stage by means of ladders which were placed all around, and hung them (the bundles) to the poles; each village had its department. This done, all the ladders were taken away. Some of the captains remained upon the platform and spent the rest of the afternoon, until 7 o'clock, in announcing the lists of presents which were given in the name of the deceased to some particular persons. For instance, they would say, here is what such a one, deceased, gives to a certain relative.

About 5 or 6 o'clock they lined (pauerent) the bottom of the grave and bordered it with large new robes, the skins of ten beavers, in such a way that these extend more than a foot out of it. As they were preparing the robes which were to be used for this purpose, some of them descended into the grave, and came from it with their hands full of sand. I inquired what this ceremony meant, and learned that they believed that this sand will render them happy at their games (au ieu).

Of the twelve hundred offerings that had been exhibited on the platform, forty-

eight robes were to line and trim the grave, and each complete body had, besides the robe in which it was wrapped, another one, and some even two others, to cover it. This is all: so that I do not think [? but] that each body had one to itself, taking one with another, which is the least that it could have for its burial; for these robes of beaver skin are what the clothes and shrouds are in France. But what becomes then of the rest? We will see presently.

At 7 o'clock the bodies were lowered into the grave. We had great difficulty in approaching it. Nothing ever pictured better to me the confusion among the damned. You could see unloaded on all sides bodies half decayed, and everywhere was heard a terrible uproar of confused voices of persons who were speaking without hearing one another; ten or twelve men were in the grave and were arranging the bodies all around it, one after the other. They placed, exactly in the center, three large kettles, which were of no use save for the spirits; one was pierced with holes, another had no handle, and the third was worth little more. I saw a few necklaces of shell beads there; it is true, many of them were put on the body. This was all that was done on this day.

The whole company passed the night on the spot, having lit a great many fires and boiled kettles. We retired to the old village with the intention of returning the next day at daylight when they were to cast the bones into the grave; but we barely arrived in time, notwithstanding all the diligence we employed, on account of an accident which happened. One of the skeletons, which was not well fastened, or perhaps was too heavy for the cord which held it, fell of itself into the grave. The noise it made awoke the whole troupe, who ran and immediately mounted, in a crowd, to the platform and emptied, without order, all the bundles into the grave, reserving, however, the robes in which they had been wrapped. We were just leaving the village at that time, but the noise was so great that it seemed almost as though we were there. Approaching we saw suddenly an image of the infernal regions. This great space was filled with fire and smoke and the air resounded on all sides with the mingled voices of the savages. This noise, nevertheless, ceased for a while, and was changed to singing, but in a tone so doleful and weird that it represented to us the terrible sadness and the depth of despair in which condemned souls are forever plunged.

Nearly all the bones had been cast in when we arrived, for it was done almost in a moment, each one being in haste for fear that there was not room for all these skeletons; nevertheless we saw enough of it to judge of the rest. There were five or six men in the grave, with poles, to arrange the bones. It was filled up within 2 feet of the top with bones, after which they turned over upon them the robes that bordered the grave all around, and covered the whole with mats and bark. The pit was then filled up with sand, rods, and stakes of wood which were thrown in promiscuously. Some of the women brought dishes of corn, and on the same day and the following days several cabins of the village furnished basketfuls of it, which were cast into the pit.

We have fifteen or twenty Christians buried with these infidels. We say a *De profundis* for their souls, with the firm hope that if the Divine goodness does not cease His blessings on His people this feast will be made no more, or will be only for Christians, and will be celebrated with rites as holy as these are foolish and useless. They also begin to be a burden upon the people for the excess and superfluous expenses that are caused by them.

All the morning was spent in distributing gifts (largesses), and most of the robes that had been wrapped around the bodies were cut in pieces and thrown from the top of the platform into the midst of the crowd for whoever could seize them first. There was great sport when two or three contested the possession of one beaver skin. In order to settle it peaceably it was necessary to cut it into so many pieces, and thus they came out nearly empty-handed, for these tatters were hardly worth the picking up. I admired here the industry of one savage. He did not hurry himself to run

after these flying pieces; but, as there is nothing so valuable this year in the country as tobacco (petun), he held some pieces of it in his hand, which he presented at once to those who were disputing over the skin, and thus acquired it for himself.

Before leaving the place we learned that, on the evening when presents had been given to the foreign nations, on the part of the master of the feast, we also had been named; and, in fact, as we were going, *Anenkhiondic* came and presented a new robe composed of ten beaver skins, in return for the necklace which I had given them in the midst of the council to show them the heavenly way. They were so much obliged for this present that they wished to show some acknowledgment of it in so good an assembly. I would not accept it, however, saying to him that, as we had made them this present only to persuade them to embrace our faith, they could not oblige us more than in listening to us willingly and believing in Him who rules over all. He asked what I desired that he should do with the robe. I replied that he could dispose of it in whatever way he deemed best, with which he remained perfectly satisfied. Of the rest of the twelve hundred presents forty-eight robes were used to adorn the grave. Each body wore its robe and some of them two or three. Twenty were given to the master of the feast, to reward the nations who had assisted at it. A number were distributed on the part of the dead, through the captains, to their living friends. A part of them were only used for show, and were returned to those who had exhibited them. The old people (anciens), and great leaders of the country, who had the administration and management of it, privately took a great deal, and the rest were cut in pieces, as I have said, and scattered through the assembly. However, it was only the rich who lost nothing, or very little, at this feast. The mendicants and poor people brought and left there all they possessed of any value, and suffered much by striving to appear as well as others in this celebration. Every one stood upon this point of honor.

Indeed, it was only by a chance that we were not also participants of the feast. During this winter the Captain Aenons, of whom I have spoken before, came to make us a proposal on the part of all the anciens of the country. At that time the boiling of the kettle (chaudiere) was not yet divided. They proposed to us then that we should consent to exhume the remains of the two Frenchmen who had died in this country, to wit, Guillaume Chaudron and Estienne Bruslé, who was killed four years ago, and that their bones might be placed in the common grave of their dead. We replied at first that this could not be done; that it was forbidden; that as they had been baptized, and were, as we hoped, in heaven, we respected their bones too highly to allow them to be mixed with the bones of those who had not been baptized. Besides, it was not our custom to exhume the bodies of those who had been buried.

We decided, however, after all, that as they were interred in the wood and since the people desired it so much, we would consent to take up their bones on the condition that they allowed us to put them in a particular grave, with the bones of all that we had baptized in the country.

Four reasons especially persuaded us to give them this final answer. First, as it is the greatest expression of friendship and good-will that can be shown in this country, we yielded to them readily in this point that which they wished, and thus showed that we desired to love them as brothers and to live and die with them. Second, we hoped that God would be glorified in it, especially, in that separating by consent of all the nation the bodies of the Christians from those of the unbelievers, it would not be difficult afterwards to obtain special permission that their Christians should be interred in a separate cemetery, which we would bless for that purpose. Third, we claimed to bury them with all the rites of the Church. Fourth, the old men, of their own accord, desired us to raise there a beautiful and magnificent cross, as they showed us afterwards more particularly. Thus the cross would have been established by the authority of the whole country and honored in the midst of this heathenism, and they would have been careful not to impute to it afterwards, as they have done in the past, all the misfortunes that befell them.

This captain thought our proposition very reasonable and the old men (anciens) of the country remained very well contented with it. Some time after, the chaudiere was divided, and, as I have said, five villages of our part of the country resolved to hold their feast apart.

In the spring a general assembly of all the principal men was held, to consult about the feast and to endeavor to prevent this schism and reunite the cooking of the kettle. These dissatisfied ones were there and I also was invited. They made me the same proposition as before. I replied that we were very well satisfied, provided that this was done under the conditions that we had demanded. I was reminded of the division, and they asked me, since there were two feasts (chaudieres), that is, two graves, on which side I desired to have our special grave. To this I answered, in order to offend no one, that I would leave it to their judgment; that they were just and wise and they could decide between themselves. The master of the feast of Rochelle said, thereupon, with condescension, that he did not claim anything and that he was willing that the other, who is the chief at this place, should have on his side the remains of our two Frenchmen. The latter replied that he laid no claim to the one that had been buried at Rochelle, but that as for the body of Estienne Bruslé it belonged to him, as it was he that had engaged with him and led him into this country. So here the bodies were separated, one on one side, the other on the other side. At this some one said privately that indeed he (the chief) had the right to demand the body of Estienne Bruslé, and that it was reasonable that he should render some honor to his bones, since they had killed him. This could not be said so discreetly but that the captain had a hint of it; he concealed his feelings, however, at the time. After the council, as we had already gone, he raised this reproach and began to talk with the captain of Rochelle, and finally gave over entirely the body of Bruslé, in order not to embitter and make bloody this sore, of which the people of this point have not yet cleared themselves. This caused us to resolve, that we might keep in favor with those of Rochelle, not to meddle with either the one or the other.

Truly there is reason to admire the secret judgments of God, for this infamous man certainly did not merit that honor; and to tell the truth we had hesitated much in resolving to make on this occasion a particular cemetery, and to transport to holy ground a body that had led so wicked a life in the country and given the savages such a wrong impression of the manners of the French. At first some thought hard of it that we should have this opinion and were offended, alleging that this being so they could not boast as they hoped among strange nations of being related to the French, otherwise it would be said to them that they did not have much appearance of it, since we had not wished to put the bones of our people with theirs. Afterwards, however, having heard all our reasons, they decided that we had acted prudently and that it was the best means of maintaining our friendship with each other.

Shall I finish for the present with this funeral? Yes; since it is a mark sufficiently clear of the hope of a future life which nature seems to furnish us in the minds of these people, as a good means of making them understand the promises of Jesus Christ. Is there not reason to hope that they will do this, and that as soon as possible? Certainly I dare to assert that with this prospect we have reason to fortify our courage and to say of our Hurons what St. Paul wrote to the Philippians: "*Confidens hoc ipsum, quia qui cœpit in vobis opus bonum, perficiet vsque in diem Christi Iesu.*" These poor people open their ears to what we tell them of the kingdom of heaven; they think it very reasonable, and do not dare to contradict it. They are learning the judgments of God in the other life; they are beginning to have recourse with us to His goodness in their necessities, and our Lord seems to favor them sometimes with some particular assistance. They procure baptism for those who they think are about to die; they give us their children to be instructed, even permitting them to come three hundred leagues for this purpose, notwithstanding the tender affection they have for them; they promise to follow them one day and show us that they would not give us such precious pledges if they did not desire to keep faith with us. You would say that they were waiting

only to see some one among them to be the first to take this bold step and dare to go contrary to the custom of the country. They are, finally, a people who have a permanent home (demeure arrestée), are judicious, capable of reason, and well multiplied.

I made mention, the past year, of twelve nations entirely sedentary and harmonious, who understand the language of our Hurons; and the Hurons make in, twenty villages, about 30,000 souls; if the rest is in proportion, there are more than 300,000 who speak only the Huron language. God gives us influence among them; they esteem us, and we are in such favor with them, that we know not whom to listen to, so much does each one aspire to have us. In truth we would be very ungrateful for the goodness of God if we should lose courage in the midst of all this, and did not wait for Him to bring forth the fruit in his own time.

It is true that I have some little apprehension for the time when it will be necessary to speak to them in a new way of their manners and to teach them "à clouër leur chairs" and restrain themselves in the honesty of marriage, breaking off their excesses for fear of the judgment of God upon their vices. Then it will be a question of telling them openly, "*Quoniam qui talia agunt regnum Dei non possidebunt.*" I fear that they will prove stubborn, when we speak to them of assuming Jesus Christ, wearing his colors, and distinguishing themselves in the quality of Christians from what they have been formerly, by a virtue of which they scarcely know the name; when we cry unto them with the Apostle: "For this is the will of God, your sanctification: that you should abstain from fornication, that every one of you should know how to possess his vessel in sanctification and honor: not in the passion of lust, like the gentiles that know not God." There is, I repeat, reason to fear that they may be frightened with the subject of purity and chastity, and that they will be disheartened with the doctrine of the Son of God, saying with those of Capernaum, on another subject, "*Durus est hic sermo et quis potest eum audire?*" Nevertheless, since with the grace of God we have already persuaded them, by the open profession we have made of this virtue, neither to do or say in our presence anything which may be averse to it—even to threaten strangers when they forget themselves before us, warning them that the French and especially the "black robes," detest these intimacies—is it not credible that if the Holy Spirit touches them once, it will so impress upon them henceforth, in every place and at all times, the reverence which they should give to His divine presence and immensity, that they will be glad to be chaste in order to be Christians, and will desire earnestly to be Christians in order to be chaste? I believe that it is for this very purpose that our Lord has inspired us to put them under the charge of St. Joseph. This great saint, who was formerly given for a husband to the glorious Virgin, to conceal from the world and the devil a virginity which God honored with His incarnation, has so much influence over the "Sainte Dame," in whose hands His Son has placed, as in deposit, all the graces which co-operate with this celestial virtue, that there is almost nothing to fear in the contrary vice, for those who are devoted to Him, as we desire our Hurons to be, as well as ourselves. It is for this purpose, and for the entire conversion of all these peoples, that we commend ourselves heartily to the prayers of all those who love or wish to love God and especially of all our fathers and brothers.

Your very humble and obedient servant in our Lord,

JEAN DE BREBEUF.

From the residence of St. Joseph, among the Hurons, at the village called Ihonatiria, this 16th of July, 1636.

SMITHSONIAN INSTITUTION——BUREAU OF ETHNOLOGY.

THE CHEROKEE NATION OF INDIANS:

A NARRATIVE OF THEIR OFFICIAL RELATIONS WITH THE COLONIAL AND FEDERAL GOVERNMENTS.

BY

CHARLES C. ROYCE.

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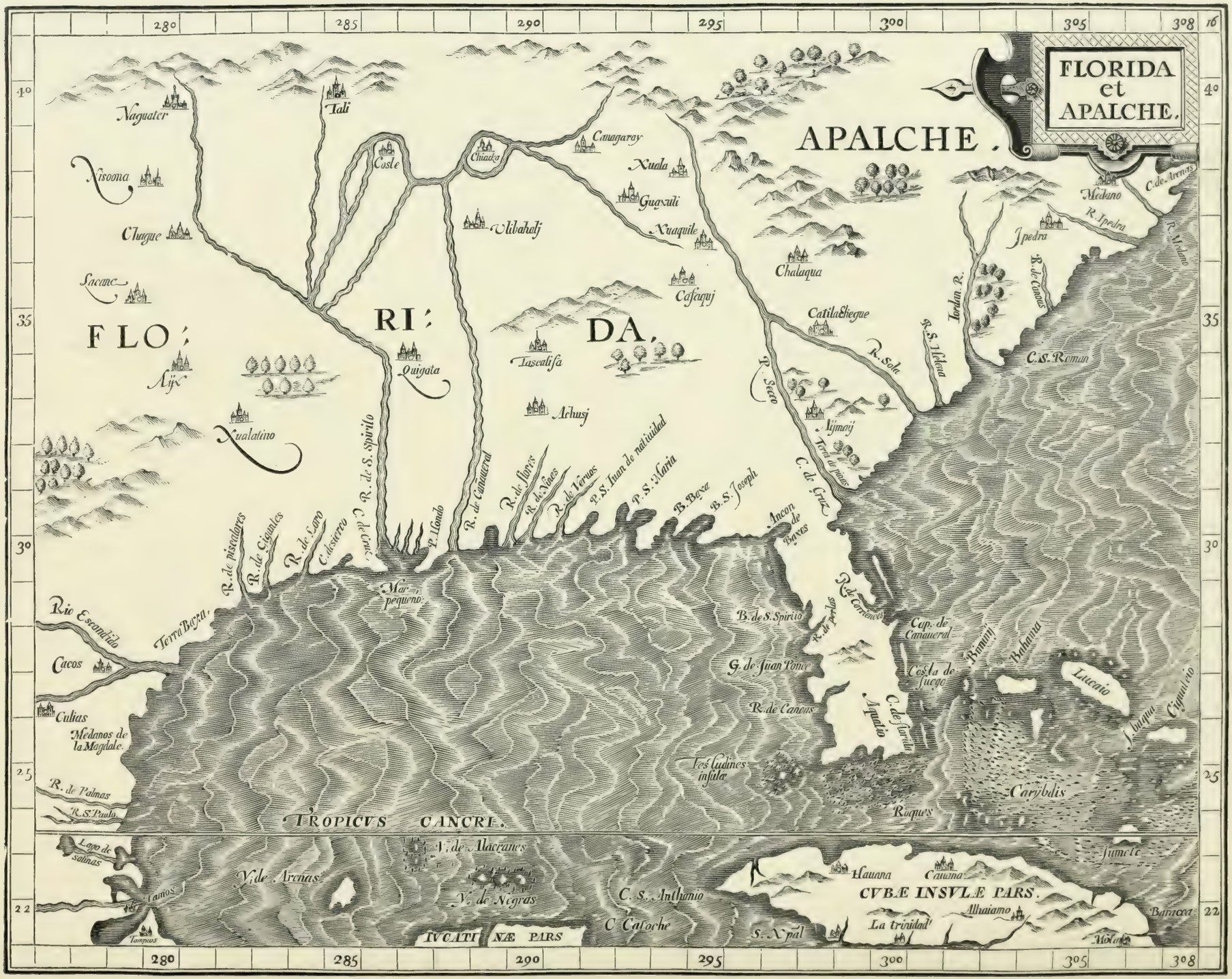

EARLIEST MAP SHOWING LOCATION OF THE CHEROKEE—1597

THE CHEROKEE NATION OF INDIANS.

By Charles C. Royce.

INTRODUCTORY.

An historical atlas of Indian affairs has for some time past been in course of preparation under the direction of the Bureau of Ethnology, Smithsonian Institution.

The chief aim of this atlas is to show upon a series of State and Territorial maps the boundaries of the various tracts of country which have from time to time been acquired through the medium of treaty stipulation or act of Congress from the several Indian tribes resident within the present territory of the United States from the beginning of the Federal period to the present day.

Accompanying this atlas will be one or more volumes of historical text, wherein will be given with some detail a history of the official relations between the United States and these tribes. This will treat of the various negotiations for peace and for the acquisition of territory, the causes rendering such negotiations necessary, and the methods observed by the Government through its authorized agents in this diplomacy, as well as other matters of public concern growing out of the same.

The following monograph on the history of the Cherokees, with its accompanying maps, is given as an illustration of the character of the work in its treatment of each of the Indian tribes.

The maps are intended to show not only the ancestral but the present home of the Cherokees, and also to indicate the boundaries of the various tracts of territory purchased from them by the Colonial or Federal authorities from time to time since their first contact with the European settlements. A number of purchases made prior to the Federal period by individuals were unauthorized and unrecognized by the Colonial authorities, and their boundaries, though given in the text, are not laid down upon the map, because the same areas of territory were afterwards included within the limits of Colonial purchases.

In the preparation of this article, more particularly in the tracing out of the various boundary lines, much careful attention and research have been given to all available authorities or sources of information. The old manuscript records of the Government, the shelves of the Con-

gressional Library, including its very large collection of American maps, local records, and the knowledge of "old settlers," as well as the accretions of various State historical societies, have been made to pay tribute to the subject.

In the course of these researches the writer has been met in his inquiries with a degree of courtesy and kindly assistance that merits public recognition.

Among others who have shown an earnest desire to promote the object of these investigations are Hon. John M. Lea, vice-president State Historical Society of Tennessee; General Robert N. Hood, Spencer Munson, and R. H. Armstrong, of Knoxville, Tenn. The writer is also deeply indebted to the Hon. Hiram Price, Commissioner of Indian Affairs, and E. L. Stevens, chief clerk, for the readiness with which they afforded him access to the records and files of the Indian Bureau. This permission was earnestly supplemented by the intelligent assistance and encouragement of Mr. C. A. Maxwell, chief of the Land Division, as well as that of R. F. Thompson and Paul Brodie, of the same Bureau, both of whom have taken special and constant pains to aid these researches.

To Captain Adams, of the Bureau of Topographical Engineers, the hearty thanks of the writer are due for many courtesies extended in the examination of the voluminous and valuable collection of maps belonging to that branch of the public service, and equal credit must be given to Mr. G. P. Strum, principal draughtsman of the General Land Office, and his assistants, for their uniform courtesy in affording access to the official plats and records of that Bureau.

The officers of the Congressional Library have also shown a marked degree of courtesy and interest.

The various cessions of land by the Cherokees alluded to in the text are numerically designated upon the accompanying maps, and are as follows:

COLONIAL PERIOD.

No.	Date and designation of Cherokee Treaties.	Description of cession.	Color.
1	Treaty of 1721 with South Carolina	Tract in South Carolina between Santee, Saluda, and Edisto Rivers.	Red.
2	Treaty of Nov. 24, 1755, with South Carolina	Tract in South Carolina between Wateree and Savannah Rivers.	Blue.
3	Treaty of Oct. 14, 1768, with British Superintendent of Indian Affairs.	Tract in Southwestern Virginia	Mauve.
4	Treaty of Oct. 18, 1770, at Lochaber, S. C.	Tract in Virginia, West Virginia, Northeastern Tennessee, and Eastern Kentucky, which is overlapped by No. 7.	Red.
5	Treaty of 1772 with Virginia	Tract in Virginia, West Virginia, and Eastern Kentucky.	Yellow.
6	Treaty of June 1, 1773, with British Superintendent of Indian Affairs.	Tract in Georgia, north of Broad River	Mauve.
7	Treaty of March 17, 1775, with Richard Henderson *et al.*	Tract in Kentucky, Virginia, and Tennessee (overlaps No. 4).	Blue.
8	Treaty of May 20, 1777, with South Carolina and Georgia.	Tract in Northwestern South Carolina	Red.
9	Treaty of July 20, 1777, with Virginia and North Carolina.	Tract in Western North Carolina and Northeastern Tennessee.	Green.
10	Treaty of May 31, 1783, with Georgia	Tract in Georgia, between Oconee and Tugaloo Rivers.	Green.

FEDERAL PERIOD.

No.	Date and designation of Cherokee Treaties.	Description of cession.	Color.
10*a*	Treaty of Nov. 28, 1785, with United States	Tract in Western North Carolina	Yellow.
10*b*	....do	Tract in Southern and Western Kentucky and Northern Tennessee.	Green.
11	Treaty of July 2, 1791, with United States	Tract in Western North Carolina and Eastern Tennessee.	Brown.
12	Treaty of Oct. 2, 1798, with United States	Tract in Tennessee, between Hawkins' Line, Tennessee River, and Chilhowee Mountain.	Red.
13	....do	Tract in North Carolina, between Pickens and Meigs line.	Red.
14	....do	Tract in Tennessee, between Clinch River and Cumberland Mountain.	Red.
15	Treaty of Oct. 24, 1804, with United States	Tract in Georgia, known as Watford's Settlement.	Red.
16	Treaty of Oct. 25, 1805, with United States	Tract in Kentucky and Tennessee, west of Tennessee River and Cumberland Mountain.	Yellow.
17	Treaty of Oct. 27, 1805, with United States	Tract in Tennessee of one section at Southwest Point.	Green.
18	....do	First island in Tennessee River above the mouth of Clinch River.	Mauve.
19	Treaty of Jan. 7, 1806, with United States	Tract in Tennessee and Alabama, between Tennessee and Duck Rivers.	Red.
20	....do	Long or Great Island in Holston River	Red.
21	Treaty of Mar. 22, 1816, with United States.	Tract in northwest corner of South Carolina	Blue.
22	Treaty of Sept. 14, 1816, with United States.	Tract in Alabama and Mississippi	Green.
23	Treaty of July 8, 1817, with United States	Tract in Northeastern Georgia	Yellow.
24	....do	Tract in Southern Tennessee	Green.
25	....do	Tract in Northern Alabama, between Cypress and Elk Rivers.	Blue.
26	....do	Tract in Northern Alabama, above mouth of Spring Creek on Tennessee River.	Blue.
27	Treaty of Feb. 27, 1819, with United States.	Tract in Northern Alabama and Southern Tennessee.	Yellow.
28	....do	Tract in Southern Tennessee, on Tennessee River.	Red.
29	....do	Tract in Tennessee, North Carolina, and Georgia.	Mauve.
30	....do	Jolly's Island, in Tennessee River	Red.
31	....do	Small tract in Tennessee, at and below the mouth of Clinch River.	Green.
32	....do	Tract of 12 miles square, on Tennessee River, in Alabama.	Mauve.
33	....do	Tract 1 mile square, in Tennessee, at foot of Cumberland Mountain.	Green.
34	....do	Tract of 1 mile square, at Cherokee Talootiske's residence.	Green.
35	....do	Tract of 3 square miles, opposite mouth of Hiwassee River.	Green.
36	Treaty of Dec. 29, 1835, with United States.	Tract in Alabama, Georgia and Tennessee, being all remaining lands east of the Mississippi River.	Blue.
37	Treaty of May 6, 1828, with United States.	This treaty was with the Cherokees residing west of the Mississippi, and they ceded the lands in Arkansas granted them by treaties of 1817 and 1819, receiving in exchange a tract further west. These latter boundaries were subsequently modified and enlarged by the treaties of Feb. 14, 1833, and Dec. 29, 1835.	Green.
38	Treaty of July 19, 1866, with United States.	Tract known as "Neutral Land," in Kansas, ceded in trust to be sold by the United States for the benefit of the Cherokees.	Red.
39	....do	Tract known as "Cherokee Strip," in Kansas, ceded in trust to be sold for the benefit of the Cherokees by the United States.	Yellow.
40	....do	Tract sold to Osages	Green.
41	....do	Tract sold to Kansas or Kaws	Red.
42	....do	Tract sold to Pawnees	Red.
43	....do	Tract sold to Poncas	Red.
44	....do	Tract sold to Nez Percés	Yellow.
45	....do	Tract sold to Otoes and Missourias	Yellow.
46	Present country of the Cherokees east of 96° W. longitude.	This is the country now actually occupied and to be permanently retained by the Cherokees.	Red.
47	Present country of the Cherokees west of 96° W. longitude.	This is the remnant of the country dedicated by the treaty of July 19, 1866, to the location of other friendly tribes. The Cherokees retain their title to and control over it until actual purchase by and location of other tribes thereon.	Blue.

The arrangement of the historical text has seemed to the writer to be that best suited to the object in view. As will be observed, an abstract of the salient provisions of each treaty is given, beginning with the first treaty concluded between the Cherokee Nation and the United States of America. In each instance, immediately following this abstract, will be found the historical data covering the period and the events leading to its negotiation, as well as those of the subsequent period intimately connected with the results of such treaty.

TREATIES WITH THE CHEROKEES.

TREATY CONCLUDED NOVEMBER 28, 1785.[1]

At Hopewell, on the Keowee River, in South Carolina, between Benjamin Hawkins, Andrew Pickens, Joseph Martin, and Lachlane M'Intosh, Commissioners Plenipotentiary of the United States, and the Headmen and Warriors of all the Cherokees.

MATERIAL PROVISIONS.

The United States give peace to the Cherokees and receive them into favor and protection on the following conditions:

1. The Cherokees to restore to liberty all prisoners citizens of the United States or subjects of their allies; also, all negroes and other property taken from citizens during the late war.

2. The United States to restore to the Cherokees all Indian prisoners taken during the late war.

3. The Cherokees to acknowledge themselves under the exclusive protection of the United States.

4. The boundary line between the Cherokees' hunting-ground and the United States to be as follows, viz: Begin at the mouth of Duck River on the Tennessee; thence northeast to the ridge dividing the waters falling into the Cumberland from those falling into the Tennessee; thence eastwardly along said ridge to a northeast line to be run, which shall strike Cumberland River 40 miles above Nashville; thence along said line to the river; thence up the river to the ford where the Kentucky road crosses; thence to Campbell's line near Cumberland Gap; thence to the mouth of Claud's Creek on Holstein; thence to Chimney-Top Mountain, thence to Camp Creek, near the mouth of Big Limestone on Nolichucky; thence southerly six (6) miles to a mountain; thence south to the North Carolina line; thence to the South Carolina Indian boundary, and along the same southwest over the top of Oconee Mountain till it shall strike Tugaloo River; thence a direct line to the top of Currohee Mountain; thence to the head of the south fork of Oconee River.

[1] United States Statutes at Large, Vol. VII, p. 18.

5. Citizens of the United States or persons other than Indians who settle or attempt to settle on lands west or south of said boundary and refuse to remove within six months after ratification of this treaty to forfeit the protection of the United States, and the Indians to punish them or not, as they please: *Provided*, That this article shall not extend to the people settled between the fork of French Broad and Holstein Rivers, whose status shall be determined by Congress.

6. The Cherokees to deliver up for punishment all Indian criminals for offenses against citizens of the United States.

7. Citizens of the United States committing crimes against Indians to be punished by the United States in the presence of the Cherokees, to whom due notice of the time and place of such intended punishment shall be given.

8. Retaliation declared unjust and not to be practiced.

9. The United States to have sole right of regulating trade with the Indians and managing their affairs.

10. Traders to have liberty to trade with the Cherokees until Congress shall adopt regulations relative thereto.

11. Cherokees to give notice of any designs formed by other tribes against the peace, trade, or interests of the United States.

12. Cherokees to have the right to send a deputy of their choice to Congress whenever they think fit.

13. The hatchet to be forever buried between the United States and Cherokees.

HISTORICAL DATA.

FERNANDO DE SOTO'S EXPEDITION.

The Cherokee Nation has probably occupied a more prominent place in the affairs and history of what is now the United States of America, since the date of the early European settlements, than any other tribe, nation, or confederacy of Indians, unless it be possible to except the powerful and warlike league of the Iroquois or Six Nations of New York.

It is almost certain that they were visited at a very early period following the discovery of the American continent by that daring and enthusiastic Spaniard, Fernando De Soto.

In determining the exact route pursued by him from his landing in Florida to his death beyond the Mississippi, many insuperable difficulties present themselves, arising not only from an inadequate description on the part of the historian of the courses and distances pursued, but from many statements made by him that are irreconcilable with an accurate knowledge of the topographic detail of the country traversed.

A narrative of the expedition, "by a gentleman of Elvas," was published at Evora in 1557, and translated from the Portuguese by Richard Hakluyt, of London, in 1609. From this narrative it appears that

after traveling a long distance in a northeasterly direction from his point of landing on the west coast of Florida, De Soto reached, in the spring of 1540, an Indian town called by the narrator "Cutifachiqui." From the early American maps of De L'Isle and others, upon which is delineated the supposed route of De Soto, this town appears to be located on the Santee River, and, as alleged by the "gentleman of Elvas," on the authority of the inhabitants, was two days' journey from the sea-coast.

The expedition left Cutifachiqui on the 3d of May, 1540, and pursued a northward course for the period of seven days, when it came to a province called Chelaque, "the poorest country of maize that was seen in Florida." It is recorded that the Indians of this province "feed upon roots and herbs, which they seek in the fields, and upon wild beasts, which they kill with their bows and arrows, and are a very gentle people. All of them go naked and are very lean."

That this word "Chalaque" is identical with our modern Cherokee would appear to be almost an assured fact. The distance and route pursued by the expedition are both strongly corroborative of this assumption. The orthography of the name was probably taken by the Spaniards from the Muscogee pronunciation, heard by them among the Creeks, Choctaws, and Chickasaws. It is asserted by William Bartram, in his travels through that region in the eighteenth century, that in the "Muscogulge" language the letter "r" is not sounded in a single word, but that on the contrary it occurs very frequently in the Cherokee tongue.[1]

Through this province of Chalaque De Soto passed, still pursuing his northward course for five days until he reached the province of "Xualla," a name much resembling the modern Cherokee word Qualla. The route from Cutifachiqui to Xualla lay, for the most part, through a hilly country. From the latter province the expedition changed its course to the west, trending a little to the south, and over "very rough and high hills," reaching at the end of five days a town or province which was called "Guaxule," and two days later a town called "Canasagua," an orthography almost identical with the modern Cherokee name of Canasauga, as applied to both a stream and a town within their Georgia limits.

Assuming that these people, whose territory De Soto thus traversed, were the ancestors of the modern Cherokees, it is the first mention made of them by European discoverers and more than a century anterior to the period when they first became known to the pioneers of permanent European occupation and settlement.

Earliest map.—The earliest map upon which I have found "Chalaqua" located is that of "Florida et Apalche" by Cornely Wytfliet, published

[1] I am informed by Colonel Bushyhead, principal chief of the Cherokee Nation, that Bartram is mistaken in his latter assumption. The letter "r" was never used except among the Overhill Cherokees, and occurred very infrequently with them.

in 1597.[1] This location is based upon the narrative of De Soto's expedition, and is fixed a short distance east of the Savannah River and immediately south of the Appalachian Mountains. "Xualla" is placed to the west of and near the headwaters of the "Secco" or Savannah River.

EARLY TRADITIONS.

Haywood, in his Natural and Aboriginal History of Tennessee, records many of the traditions concerning the origin and the primal habitat of the Cherokees. He notes the fact that they were firmly established on the Tennessee or Hogohege River before the year 1650, and exercised dominion over all the country on the east side of the Alleghany Mountains, including the headwaters of the Yadkin, Catawba, Broad, and Savannah Rivers, and that from thence westward they claimed the country as far as the Ohio, and thence to the headwaters of the Chattahoochee and Alabama. One tradition which he alleges existed among them asserts their migration from the west to the upper waters of the Ohio, where they erected the mounds on Grave Creek, gradually working eastward across the Alleghany Mountains to the neighborhood of Monticello, Va., and along the Appomattox River.

From this point, it is alleged, they removed to the Tennessee country about 1623, when the Virginians suddenly and unexpectedly fell upon and massacred the Indians throughout the colony. After this massacre, the story goes, they came to New River and made a temporary settlement there as well as one on the head of the Holston; but, owing to the enmity of the northern Indians, they removed in a short time to the Little Tennessee and founded what were known as "Middle Settlements." Another tribe, he alleges, came from the neighborhood of Charleston, South Carolina, and settled lower down the Tennessee. This branch called themselves "Ketawanga," and came last into the country. The tradition as to those who came from Virginia seeks also to establish the idea that the Powhatan Indians were Cherokees. The whole story is of the vaguest character, and if the remainder has no stronger claims to credibility than their alleged identity with the Powhatans, it is scarcely worthy of record except as a matter of curiosity.

In fact the explorations of De Soto leave almost convincing proof that the Cherokees were occupying a large proportion of their more modern territory nearly a century prior to their supposed removal from the Appomattox.

Pickett, in his History of Alabama, improves upon the legend of Haywood by asserting as a well established fact what the latter only presumes to offer as a tradition.

However, as affording a possible confirmation of the legend related by Haywood concerning their early location in Eastern Virginia, it may

[1] The full title of this work is "Descriptionis Ptolemaicæ Augmentum; sive Occidentis Notitia, brevi commentario illustrata, studio et opera Cornely Wytfliet, Louaniensis. Lovanii, Typis Iohannis Bogardi, anno Domini MDXCVII."

be worth while to allude to a tradition preserved among the Mohican or Stockbridge tribe. It appears that in 1818 the Delawares, who were then residing on White River, in Indiana, ceded their claim to lands in that region to the United States. This land had been conditionally given by the Miamis many years before to the Delawares, in conjunction with the "Moheokunnuks" (or Stockbridges) and Munsees. Many of the latter two tribes or bands, including a remnant of the Nanticokes, had not yet removed to their western possessions, though they were preparing to remove. When they ascertained that the Delawares had ceded the lands to the United States without their consent, they objected and sought to have the cession annulled.

In connection with a petition presented to Congress by them on the subject in the year 1819, they set forth in detail the tradition alluded to. The story had been handed down to them from their ancestors that "many thousand moons ago" before the white men came over the "great water," the Delawares dwelt along the banks of the river that bears their name. They had enjoyed a long era of peace and prosperity when the Cherokees, Nanticokes, and some other nation whose name had been forgotten, envying their condition, came from the south with a great army and made war upon them. They vanquished the Delawares and drove them to an island in the river. The latter sent for assistance to the Mohicans, who promptly came to their relief, and the invaders were in turn defeated with great slaughter and put to flight. They sued for peace, and it was granted on condition that they should return home and never again make war on the Delawares or their allies. These terms were agreed to and the Cherokees and Nanticokes ever remained faithful to the conditions of the treaty.

The inference to be drawn from this legend, if it can be given any credit whatever, would lead to the belief that the Cherokees and the Nanticokes were at that time neighbors and allies. The original home of the Nanticokes on the Eastern Shore of Maryland is well known, and if the Cherokees (or at least this portion of them) were then resident beyond the Alleghanies, with sundry other powerful tribes occupying the territory between them and the Nanticokes, it is unlikely that any such alliance for offensive operations would have existed between them. Either the tradition is fabulous or at least a portion of the Cherokees were probably at one time residents of the Eastern slope of Virginia.

The Delawares also have a tradition that they came originally from the west, and found a tribe called by them Allegewi or Allegans occupying the eastern portion of the Ohio Valley. With the aid of the Iroquois, with whom they came in contact about the same time, the Delawares succeeded in driving the Allegans out of the Ohio Valley to the southward.

Schoolcraft suggests the identity of the Allegans with the Cherokees, an idea that would seem to be confirmatory of the tradition given by Haywood, in so far as it relates to an early Cherokee occupancy of Ohio.

EARLY CONTACT WITH VIRGINIA COLONISTS.

Whatever the degree of probability attending these legends, it would seem that the settlers of Virginia had an acquaintance with the Cherokees prior to that of the South Carolina immigrants, who for a number of years after their first occupation confined their explorations to a narrow strip of country in the vicinity of the sea-coast, while the Virginians had been gradually extending their settlements far up toward the headwaters of the James River and had early perceived the profits to be derived from the Indian trade.

Sir William Berkeley, governor of Virginia, equipped an expedition, consisting of fourteen Englishmen and an equal number of Virginia Indians, for the exploration of the country to the west of the existing settlements. The party was under the command of Capt. Henry Batt, and in seven days' travel from their point of departure, at Appomattox, they reached the foot of the mountains. The first ridge they crossed is described as not being very high or steep, but the succeeding ones "seemed to touch the clouds," and were so steep that an average day's march did not exceed three miles.

They came upon extensive and fertile valleys, covered with luxuriant grass, and found the forests abounding in all kinds of game, including turkeys, deer, elk, and buffalo. After passing beyond the mountains they entered an extensive level country, through which a stream flowed in a westward course, and after following it for a few days they reached some old fields and recently deserted Indian cabins. Beyond this point their Indian guides refused to proceed, alleging that not far away dwelt a powerful tribe that never suffered strangers who discovered their towns to return alive, and the expedition was therefore compelled to return. According to the historian, Burke, this expedition took place in 1667, while Beverly, not quite so definite, assigns it to the decade between 1666 and 1676.[1] It is believed that the powerful nation of Indians alluded to in the narrative of this expedition was the Cherokees, and, if so, it is apparently the first allusion made to them in the history of the colonial settlements.

That the Virginians were the first to be brought in contact with the Cherokees is further evidenced by the fact that in 1690 an Indian trader from that colony, bearing the name of Daugherty, had taken up his residence among them, which is alleged by the historian[2] to have been several years before any knowledge of the existence of the Cherokees reached the settlers on Ashley River in South Carolina.

EARLY RELATIONS WITH CAROLINA COLONISTS.

The first formal introduction of the Cherokees to the notice of the people of that colony occurred in the year 1693,[3] when twenty Cherokee

[1] Campbell's Virginia, p. 268.
[2] Logan's South Carolina, Vol. I, p. 168.
[3] Martin's North Carolina, Vol. I, p. 194.

chiefs visited Charleston, with proposals of friendship, and at the same time solicited the assistance of the governor in their operations against the Esau and Coosaw tribes, who had captured and carried off a number of Cherokees.

The Savannah Indians, it seems, had also been engaged in incursions against them, in the course of which they had captured a number of Cherokees and sold them to the colonial authorities as slaves.

The delegation urgently solicited the governor's protection from the further aggressions of these enemies and the return of their bondaged countrymen. The desired protection was promised them, but as their enslaved brethren had already been shipped to the West Indies and sold into slavery there, it was impossible to return them.

The extreme eastern settlements of the Cherokees at this time were within the limits of the present Chester and Fairfield districts, South Carolina, which lie between the Catawba and Broad Rivers.[1]

MENTION BY VARIOUS EARLY AUTHORS.

We next find an allusion to the Cherokees in the annals of Louisiana by M. Pericaut, who mentions in his chronicle of the events of the year 1702, that "ten leagues from the mouth of this river [Ohio] another falls into it called Kasquinempas [Tennessee]. It takes its source from the neighborhood of the Carolinas and passes through the village of the Cherokees, a populous nation that number some fifty thousand warriors," another example of the enormous overestimates of aboriginal population to which the earlier travelers and writers were so prone.

Again, in 1708, the same author relates that "about this time two Mobilians who had married in the Alibamon nation, and who lived among them with their families, discovered that that nation was inimical to the Mobilians as well as the French, and had made a league with the Cheraquis, the Abeikas, and the Conchaques to wage war against the French and Mobilians and burn their villages around our fort."

On various early maps of North America, and particularly those of De L'Isle, between the years 1700 and 1712, will be found indicated upon the extreme headwaters of the Holston and Clinch Rivers, "gros villages des Cheraqui." These villages correspond in location with the great nation alluded to in the narrative of Sir William Berkeley's expedition.

Upon the same maps will be found designated the sites of sundry other Cherokee villages, several of which are on the extreme headwaters of the "R. des Chaouanons." This river, although indicated on the map as emptying into the Atlantic Ocean to the west of the Santee, from its relation to the other streams in that vicinity, is believed to be intended for the Broad River, which is a principal northwest branch of the Santee. Other towns will also be found on the banks of the Upper Catawba, and they are, as well, quite numerous along the headwaters of the "R. des Caouilas" or Savannah and of the Little Tennessee.

[1] Logan's South Carolina, Vol. I, p. 141.

Mention is again found of the Cherokees in the year 1712, when 218 of them accompanied Colonel Barnwell in his expedition against the hostile Tuscaroras and aided in the subjugation of that savage tribe, though along the route of Barnwell's march the settlers were very nearly persuaded that they suffered greater damage to property from the freebooting propensities of their Indian allies than from the open hostilities of their savage enemies.

The old colonial records of South Carolina also contain mention in the following year (1713) of the fact that Peter St. Julien was arraigned on the charge of holding two Cherokee women in slavery.[1]

In 1715 the Yamassees, a powerful and hitherto friendly tribe, occupying the southwesterly portion of the colony of South Carolina and extending to and beyond the Savannah River, declared open hostilities against the settlers. In the desperate struggle that ensued, we find in full alliance with them the Cherokees, as well as the Creeks and Appalachians.

In his historical journal of the establishment of the French in Louisiana, Bernard de la Harpe states that "in January, 1716, some of the Cheraquis Indians, who lived northeast of Mobile, killed MM. de Ramsay and de Longueil. Some time after, the father of the latter gentleman, the King's lieutenant in Canada, engaged the Iroquois to surprise this tribe. They sacked two of their villages and obliged the rest to retreat towards New England."

TERRITORY OF CHEROKEES AT PERIOD OF ENGLISH SETTLEMENT.

At the time of the English settlement of the Carolinas the Cherokees occupied a diversified and well-watered region of country of large extent upon the waters of the Catawba, Broad, Saluda, Keowee, Tugaloo, Savannah, and Coosa Rivers on the east and south, and several of the tributaries of the Tennessee on the north and west. It is impossible at this late day to define with absolute accuracy the original limits of the Cherokee claim. In fact, like all other tribes, they had no definite and concurrent understanding with their surrounding savage neighbors where the possessions of the one left off and those of the other began. The strength of their title to any particular tract of country usually decreased in proportion to the increase of the distance from their villages; and it commonly followed as a result, that a considerable strip of territory between the settlements of two powerful tribes, though claimed by both, was practically considered as neutral ground and the common hunting ground of both.

As has already been stated, the extreme eastern settlements of the Cherokees in South Carolina in 1693 were in the district of country lying between the Catawba and Broad Rivers, and no claim has been found showing the existence at any time of any assertion of territorial right

[1] Logan's South Carolina, Vol. I, p. 182.

in their behalf to the east of the former stream. But nevertheless, on Bowen's map of 1752 (obviously copied from earlier maps), there is laid down the name of "Keowee Old Town." The location of this town was on Deep River in the vicinity of the present town of Ashborough, N. C. It was a favorite name of the Cherokees among their towns, and affords a strong evidence of at least a temporary residence of a portion of the tribe in that vicinity. A map executed by John Senex in 1721 defines the Indian boundary in this region as following the Catawba, Wateree, and Santee Rivers as far down as the most westerly bend of the latter stream, in the vicinity of the boundary line between Orangeburg and Charleston districts, whence it pursued a southwesterly course to the Edisto River, which it followed to the sea-coast. The southern portion of this boundary was of course a definition of limits between Carolina and the Creeks, or rather of certain tribes that formed component parts of the Creek confederacy. No evidence has been discovered tending to show an extension of Cherokee limits in a southerly direction beyond the point mentioned above on the Edisto River, which, as near as can be ascertained, was at the junction of the North and South Edisto. Following from thence up the South Edisto to its source the boundary pursued a southwesterly course, striking the Savannah River in the vicinity of the mouth of Stevens Creek, and proceeding thence northwardly along the Savannah.

On the borders of Virginia and North Carolina the ancient limits of the Cherokees seem to be also shrouded in more or less doubt and confusion. In general terms, however, it may be said that after following the Catawba River to its source in the Blue Ridge the course of those mountains was pursued until their intersection with the continuation of the Great Iron Mountain range, near Floyd Court-House, Va., and thence to the waters of the Kanawha or New River, whence their claim continued down that stream to the Ohio. At a later date they also set up a claim to the country extending from the mouth of the Kanawha down the Ohio to the ridge dividing the waters of the Cumberland from those of the Tennessee at the mouths of those streams, and thence following that ridge to a point northeast of the mouth of Duck River; thence to the mouth of Duck River on the Tennessee, and continuing up with the course of the latter river to Bear Creek; up the latter to a point called Flat Rock, and thence to the Ten Islands in Coosa River, &c.

That portion of the country thus covered, comprising a large part of the present States of West Virginia and Kentucky, was also claimed by the Six Nations by right of former conquest, as well as by the Shawnees and Delawares.

Adair, a trader for forty years among the Cherokees, who traveled extensively through their country about the middle of the eighteenth century, thus specifically outlines the boundaries of their country at that period: "The country lies in about 34 degrees north latitude at the distance of 340 computed miles to the northwest of Charlestown,—140

miles west-southwest from the Katahba Nation,—and almost 200 miles to the north of the Muskohge or Creek country. They are settled nearly in an east and west course about 140 miles in length from the lower towns, where Fort-Prince-George stands, to the late unfortunate Fort-Loudon. The natives make two divisions of their country, which they term '*Ayrate*' and '*Otarre*,' the one signifying 'low' and the other 'mountainous.'"

POPULATION.

In point of numbers the Cherokee population now considerably exceeds that first enumerated by the early colonial authorities. As early as 1715 the proprietors of the South Carolina Plantation instructed Governor Robert Johnson to cause a census to be taken of all the Indian tribes within that jurisdiction, and from his report it appears that the Cherokee Nation at that time contained thirty towns and an aggregate population of 11,210, of whom 4,000 were warriors. Adair alleges that in 1735, or thereabouts, according to the computation of the traders, their warriors numbered 6,000, but that in 1738 the ravages of the small-pox reduced their population one-half within one year. Indeed, this disaster, coupled with the losses sustained in their conflicts with the whites and with neighboring tribes, had so far wasted their ranks that a half century after the census taken by Governor Johnson they were estimated by the traders to have but 2,300 warriors.[1] By the last report of the Commissioner of Indian Affairs the total population is estimated to number 22,000.[2] It is true that considerable of this increase is attributable to the fact that several other small tribes or bands, within a few years past, have merged their tribal existence in that of the Cherokees. Independent of this fact, however, they have maintained a slow but steady increase in numbers for many years, with the exception of the severe losses sustained during the disastrous period of the late southern rebellion.

OLD CHEROKEE TOWNS.

It is perhaps impossible to give a complete list of the old Cherokee towns and their location; but in 1755 the authorities of South Carolina, in remodeling the old and prescribing new regulations for the government of the Indian trade, divided the whole Cherokee country into six hunting districts, viz:

1. *Over Hill Towns.*—Great Tellico, Chatugee, Tennessee, Chote, Toqua, Sittiquo, and Talassee.

2. *Valley Towns.*—Euforsee, Conastee, Little Telliquo, Cotocanahut, Nayowee, Tomatly, and Chewohe.

3. *Middle Towns.*—Joree, Watoge, Nuckasee.

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[1] Adair's American Indians.

[2] Report Commissioner Indian Affairs for 1883, p. 272.

4. *Keowee Towns.*—Keowee, Tricentee, Echoee, Torsee, Cowee, Torsalla, Coweeshee, and Elejoy.

5. *Out Towns.*—Tucharechee, Kittowa, Conontoroy, Steecoy, Oustanale, and Tuckasegee.

6. *Lower Towns.*—Tomassee, Oustestee, Cheowie, Estatoie, Tosawa, Keowee, and Oustanalle.

About twenty years later, Bartram,[1] who traversed the country, gives the names of forty-three Cherokee towns and villages then existing and inhabited as follows:

No.	Name.	Where situated.
1	Echoe	On the Tanase east of the Jore Mountains.
2	Nucasse	
3	Whatoga	
4	Cowe	
5	Ticoloosa	Inland, on the branches of the Tanase.
6	Jore	
7	Conisca	
8	Nowe	
9	Tomothle	On the Tanase over the Jore Mountains.
10	Noewe	
11	Tellico	
12	Clenmuse	
13	Ocunnolufte	
14	Chewe	
15	Quanuse	
16	Tellowe	
17	Tellico	Inland towns on the branches of the Tanase and other waters over the Jore Mountains.
18	Chatuga	
19	Hiwasse	
20	Chewase	
21	Nuanha	
22	Tallase	Overhill towns on the Tanase or Cherokee River.
23	Chelowe	
24	Sette	
25	Chote, great	
26	Joco	
27	Tahasse	
28	Tamahle	
29	Tuskege	
30	— — Big Island	
31	Nilaque	
32	Niowe	
33	Sinica	Lower towns east of the mountains on the Savanna or Keowe River.
34	Keowe	
35	Kulsage	
36	Tugilo	Lower towns east of the mountains on Tugilo River.
37	Estotowe	
38	Qualatche	Lower towns on Flint River.
39	Chote	
40	Estotowe, great	Towns on the waters of other rivers.
41	Allagae	
42	Jore	
43	Nacoche	

Mouzon's map of 1771 gives the names of several Lower Cherokee towns not already mentioned. Among these may be enumerated, on the Tugalco River and its branches, Turruraw, Nayowee, Tetohe, Chagee, Tussee, Chicherohe, Echay, and Takwashnaw; on the Keowee, New Keowee, and Quacoretche; and on the Seneca, Acounee.

In subsequent years, through frequent and long continued conflicts with the ever advancing white settlements and the successive treaties whereby the Cherokees gradually yielded portions of their domain, the

[1] Bartram's Travels in North America from 1773 to 1778, p. 371.

location and names of their towns were continually changing until the final removal of the nation west of the Mississippi.[1]

EXPULSION OF SHAWNEES BY CHEROKEES AND CHICKASAWS.

In the latter portion of the seventeenth century the Shawnees, or a portion of them, had their villages on the Cumberland, and to some extent, perhaps, on the Tennessee also. They were still occupying that region as late as 1714, when they were visited by M. Charleville, a French trader, but having about this time incurred the hostility of the Cherokees and Chickasaws they were driven from the country. Many years later, in the adjustment of a territorial dispute between the Cherokees and Chickasaws, each nation claimed the sole honor of driving out the Shawnees, and hence, by right of conquest, the title to the territory formerly inhabited by the latter. The Chickasaws evidently had the best of the controversy, though some concessions were made to the Cherokees in the matter when the United States came to negotiate for the purchase of the controverted territory.

TREATY RELATIONS WITH THE COLONIES.

Treaty and purchase of 1721.—The treaty relations between the Cherokees and the whites began in 1721, when jealousy of French territorial encroachments persuaded Governor Nicholson of South Carolina to invite the Cherokees to a general congress, with a view to the conclusion of a treaty of peace and commerce.

The invitation was accepted, and delegates attended from thirty-seven towns, with whom, after smoking the pipe of peace and distributing presents, he agreed upon defined boundaries and appointed an agent to superintend their affairs.[2]

Treaty of 1730.—Again, in 1730, the authorities of North Carolina commissioned Sir Alexander Cumming to conclude a treaty of alliance with the Cherokees. In April of that year the chiefs and warriors of the nation met him at Requasse, near the sources of the Hiwassee River, acknowledged King George as their sovereign, and sent a delegation of six warriors to carry the crown of the nation (consisting of five eagle tails and four scalps) to England and do homage to the King, where they concluded a treaty of peace and commerce at Dover on the 30th of June.

[1] From a distribution roll of Cherokee annuities paid in the year 1799 it appears that there were then 51 Cherokee towns, designated as follows: Oostinawley, Creek Path, Aumoia, Nicojack, Running Water, Ellijay, Cabben, High Tower, Pine Log, High Tower Forks, Tocoah, Coosawaytee, Crowtown, Shoemeck, Aumuchee, Tulloolah, Willstown, Acohee, Cuclon, Duck-town, Ailigulsha, Highwassee, Tennessee, Lookout Mountain, Noyohee, Tusquittee, Coosa, Nantiyallee, Saukee, Keyukee, Red Bank, Nukeza, Cowpens, Telassee, Buffalo Town, Little Tellico, Rabbit Trap, Notley, Turnip Mountain, Sallicoah, Kautika, Tausitu, Watoga, Cowee, Chillhoway, Chestuee, Turkey Town, Toquah, Chota, Big Tellico, and Tusskegee.

[2] Ramsey's Annals of Tennessee, p. 46.

In this treaty they stipulated:

1. To submit to the sovereignty of the King and his successors.
2. Not to trade with any other nation but the English.
3. Not to permit any but English to build forts or cabins or plant corn among them.
4. To apprehend and deliver runaway negroes.
5. To surrender any Indian killing an Englishman.[1]

Treaty and purchase of 1755.—November 24, 1755, a further treaty was concluded between the Cherokees and Governor Glenn, of South Carolina. By its terms the former ceded to Great Britain a territory which included the limits of the modern districts of Abbeville, Edgefield, Laurens, Union, Spartanburg, Newberry, Chester, Fairfield, Richland, and York, and deeds of conveyance were drawn up and formally executed therefor.[2] This cession included a tract of country between the Broad and Catawba Rivers which was also claimed and generally conceded to belong to the Catawba Nation, the boundary line between the latter and the Cherokees being usually fixed as the Broad River.[3] One of the main objects of this treaty was to prevent an alliance between the Cherokees and the French.

Treaty of 1756.—In the year 1756 Hugh Waddell was commissioned by the authorities of North Carolina to treat with the Cherokees and Catawbas. In pursuance of this authority he concluded a treaty of alliance with both nations.[4] Governor Glenn, also, in the same year erected a chain of military posts on the frontiers of his recent purchase. These consisted of Fort Prince George, on the Savannah, within gunshot of the Indian town of Keowee; Fort Moore, 170 miles farther down the river; and Fort Loudon, on the south bank of Tennessee River, at the highest point of navigation, at the mouth of Tellico River.[5]

Captain Jack's purchase.—A grant signed by Arthur Dobbs, governor of North Carolina, *et al.*, and by The Little Carpenter, half king of the Over-Hill Cherokees, made to Capt. Patrick Jack, of Pennsylvania, is recorded in the register's office of Knox County, Tennessee. It purports to have been made at a council held at Tennessee River, March 1, 1757, consideration $400, and conveys to Captain Jack 15 miles square south of Tennessee River. The grant itself confirmatory of the purchase by Captain Jack is dated at a general council held at Catawba River, May 7, 1762.[6]

Treaty of 1760.—The French finally succeeded in enlisting the active sympathy of the Cherokees in their war with Great Britain. Governor

[1] Martin's North Carolina, Vol. II, pp. 3, 9, and 11.

[2] Hewat's History of South Carolina and Georgia, Vol. II, pp. 203, 204.

[3] Broad River was formerly known as Eswaw-Huppedaw or Line River. See Mills' Statistics of South Carolina, p. 555.

[4] Williamson's North Carolina, Vol. II, p. 87.

[5] Martin's North Carolina, Vol. II, p. 87.

[6] Ramsey's Annals of Tennessee, p. 68.

Littleton, of South Carolina, marched against the Indians and defeated them, after which, in 1760, he concluded a treaty of peace with them. By its terms they agreed to kill or imprison every Frenchman who should come into their country during the continuance of the war between France and Great Britain.[1]

Treaty of 1761.—The hostile course of the Cherokees being still continued, the authorities of South Carolina in 1761 dispatched Colonel Grant with a force sufficient to overcome them. After destroying their crops and fifteen towns he compelled a truce, following which Lieutenant Governor Bull concluded a treaty with them at Ashley Ferry, or Charleston.[2] By this instrument the boundaries between the Indians and the settlements were declared to be the sources of the great rivers flowing into the Atlantic Ocean.

In 1767 the legislature of North Carolina made an appropriation and the governor appointed three commissioners for running a dividing-line between the western settlements of that province and the Cherokee hunting grounds.[3]

Treaty and purchase of 1768.—Mr. Stuart, the British superintendent of Indian affairs, on the 14th of October, 1768, concluded a treaty with the Cherokees at Hard Labor, South Carolina. Therein it was agreed that the southwest boundary of Virginia should be a line "extending from the point where the northern line of North Carolina intersects the Cherokee hunting grounds about 36 miles east of Long Island in the Holston River; and thence extending in a direct course north by east to Chiswell's mine on the east bank of the Kenhawa River, and thence down that stream to its junction with the Ohio."[4]

This treaty was made in pursuance of appeals from the Indians to stop further encroachments of settlers upon their lands and to have their boundaries definitely fixed, especially in the region of the north fork of Holston River and the headwaters of the Kanawha.

Treaty and purchase of 1770.—The settlements having encroached beyond the line fixed by the treaty of 1768, a new treaty was concluded on the 18th October, 1770, at Lochabar, South Carolina. A new boundary line was established by this treaty commencing on the south bank of Holston River six miles east of Long Island, and running thence to the mouth of the Great Kanawha.[5]

Treaty and purchase of 1772.—The Virginia authorities in the early part of 1772 concluded a treaty with the Cherokees whereby a boundary line was fixed between them, which was to run west from White Top Mountain in latitude 36° 30′.[6] This boundary left those settlers on

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[1] Martin's North Carolina, Vol. II, p. 106.
[2] Ib., Vol. II, p. 152.
[3] Ib., Vol. II, p. 226.
[4] Ramsey's Annals of Tennessee, p. 76.
[5] Ib., p. 102.
[6] Ib., p. 109.

the Watauga River within the Indian limits, whereupon, as a measure of temporary relief, they leased for a period of eight years from the Indians in consideration of goods to the value of five or six thousand dollars all the country on the waters of the Watauga. Subsequently in 1775 [March 19] they secured a deed in fee simple therefor upon the further consideration of £2,000.[1] This deed was executed to Charles Robertson as the representative or trustee of the Watauga Settlers' Association, and embraced the following tract of country, viz: All that tract on the waters of the Watauga, Holston, and Great Canaway or New River, beginning on the south or southwest of Holston River six miles above Long Island in that river; thence a direct line in nearly a south course to the ridge dividing the waters of Watauga from the waters of Nonachuckeh and along the ridge in a southeasterly direction to the Blue Ridge or line dividing North Carolina from the Cherokee lands; thence along the Blue Ridge to the Virginia line and west along such line to the Holston River; thence down the Holston River to the beginning, including all the waters of the Watauga, part of the waters of the Holston, and the head branches of New River or Great Canaway, agreeable to the aforesaid boundaries.

Jacob Brown's purchase.—Jacob Brown, in 1772, for a horse load of goods leased from the Cherokees a tract on the Watauga and Nonachucky Rivers.

Three years later (March 25, 1775) for a further consideration of ten shillings he secured from them a deed in fee for the leased tract as well as an additional tract of considerable extent.

The boundary of the first of these bodies of land ran from the mouth of Great Limestone Creek, thence up the same and its main fork to the ridge dividing the Wataugah and Nonachuchy Rivers; thence to the head of Indian Creek, where it joins the Great Iron Mountains, and along those mountains to the Nonachuchy River; across the Nonachuchy River, including its creeks, and down the side of Nonachuchy Mountain against the mouth of Great Limestone Creek and from thence to the place of beginning.

The second purchase comprised a tract lying on the Nonachuchy River below the mouth of Big Limestone on both sides of the river and adjoining the tract just described. Its boundaries were defined as beginning on the south side of the Nonachuchy River below the old fields that lie below the Limestone on the north side of Nonachuchy Mountain at a large rock; thence north 32° west to the mouth of Camp Creek on the south side of the river; thence across the river; thence pursuing a northwesterly course to the dividing ridge between Lick Creek and Watauga or Holston River, thence along the dividing ridge to the rest of Brown's lands; thence down the main fork of Big Limestone to its mouth; thence crossing the Nonachuchy River and pursuing a

[1] Ramsey's Annals of Tennessee, p. 119.

straight course to the Nonachuchy Mountains and along such mountains to the beginning.[1]

Treaty and purchase of 1773.—On the 1st of June, 1773, a treaty was concluded jointly with the Creeks and Cherokees by the British superintendent whereby they ceded to Great Britain a tract beginning where the lower Creek path intersects the Ogeechee River, thence along the main channel of that river to the source of the southernmost branch thereof; thence along the ridge between the waters of Broad and Oconee Rivers up to the Buffalo Lick; thence in a straight line to the tree marked by the Cherokees near the head of the branch falling into the Oconee River [on the line between Clarke and Oglethorpe Counties, about 8 miles southeast of Athens]; thence along the said ridge 20 miles above the line already run by the Cherokees, and from thence across to the Savannah River by a line parallel to that formerly marked by them.

Henderson's purchase by the treaty of 1775.—On the 17th of March, 1775, Richard Henderson and eight other private citizens concluded a treaty with the Cherokees at Sycamore Shoals, on Watauga River. By its terms they became the purchasers from the latter (in consideration of £10,000 worth of merchandise) of all the lands lying between Kentucky and Cumberland Rivers, under the name of the Colony of Transylvania in North America. This purchase was contained in two deeds, one of which was commonly known as the "Path Deed," and conveyed the following described tract: "Begin on the Holston River, where the course of Powell's Mountain strikes the same; thence up the river to the crossing of the Virginia line; thence westerly along the line run by Donelson * * * to a point six (6) English miles east of Long Island in Holston River; thence a direct course towards the mouth of the Great Kanawha until it reaches the top of the ridge of Powell's Mountain; thence westerly along said ridge to the beginning."

This tract was located in Northeast Tennessee and the extreme southwestern corner of Virginia.[2] The second deed covered a much larger area of territory and was generally known as the "Great Grant." It comprised the territory "beginning on the Ohio River at the mouth of the Kentucky, Cherokee, or what, by the English, is called Louisa River; thence up said river and the most northwardly fork of the same to the head-spring thereof; thence a southeast course to the ridge of Powell's Mountain; thence westwardly along the ridge of said mountain to a point from which a northwest course will strike the head-

[1] Ramsey's Annals of Tennessee, pp. 110, 121.

[2] There seems to be a confused idea in this description as to the identity of Powell's Mountain. This was doubtless occasioned by a lack of definite knowledge concerning the topography of the country. This ridge, as it is commonly known, does not touch the Holston River, but lies between Powell's and Clinch Rivers. The mountains supposed to be alluded to in that portion of the description are a spur of the Clinch Mountains, which close in on the Holston River, near the mouth of Cloud's Creek.

spring of the most southwardly branch of Cumberland River; thence down said river, including all its waters, to the Ohio River; thence up said river as it meanders to the beginning."[1] This tract comprises nearly the whole of Central and Western Kentucky as well as part of Northern Central Tennessee. Although a literal reading of these boundaries would include all the territory watered by the Cumberland River and its branches, the general understanding seems to have been (and it is so specifically stated in the report of the treaty commissioners of 1785) that Henderson's purchase did not extend south of Cumberland River proper.[2] The entire purchase included in both these deeds is shown as one tract on the accompanying map of cessions and numbered 7.

In this connection it is proper to remark that all of these grants to private individuals were regarded as legally inoperative, though in some instances the beneficiaries were permitted to enjoy the benefits of their purchases in a modified degree. All such purchases had been inhibited by royal proclamation of King George III, under date of October 7, 1763,[3] wherein all provincial governors were forbidden to grant lands or issue land warrants locatable upon any territory west of the mountains or of the sources of streams flowing into the Atlantic. All private persons were enjoined from purchasing lands from the Indians. All purchases made of such lands should be for the Crown by the governor or commander-in-chief of the colony at some general council or assembly of the Indians convened for that purpose.

In the particular purchase made by Henderson and his coadjutors, the benefits thereof were afterwards claimed by the authorities of Virginia and North Carolina for those States, as the successors of the royal prerogative within their respective limits. In consideration, however, of Henderson's valuable services on the frontier, and in compensation for his large expenditures of money in negotiating the purchase, the legislature of North Carolina in 1783 granted to him and those interested with him a tract of 200,000 acres,[4] constituting a strip 4 miles in width from old Indian town on Powell's River to the mouth, and thence a strip down the Clinch River for quantity 12 miles in width. The legislature of Virginia also granted them a tract of like extent upon the Ohio River, opposite Evansville, Indiana.[5]

Treaties and purchases of 1777.—In consequence of continued hostilities between the Cherokees and the settlers, General Williamson in 1776 marched an army from South Carolina and destroyed the towns of the former on Keowee and Tugaloo Rivers. General Rutherford marched

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[1] Mann Butler's Appeal, pp. 26, 27.
[2] American State Papers, Indian Affairs, Vol. I, p. 38.
[3] Martin's North Carolina, Vol. II, p. 339.
[4] Haywood's Tennessee, pp. 16, 17.
[5] Ramsey's Annals of Tennessee, p. 204.

another force from North Carolina and Colonel Christian a third from Virginia, and destroyed most of their principal towns on the Tennessee.[1]

At the conclusion of hostilities with the Cherokees, following these expeditions, a treaty with them was concluded May 20, 1777, at De Witt's or Duett's Corners, South Carolina, by the States of South Carolina and Georgia. By the terms of this treaty the Indians ceded a considerable region of country upon the Savannah and Saluda Rivers,[2] comprising all their lands in South Carolina to the eastward of the Unacaye Mountains.

Two months later (July 20) Commissioners Preston, Christian, and Shelby, on the part of Virginia, and Avery, Sharpe, Winston, and Lanier, for North Carolina, also concluded a treaty with the Cherokees, by which, in the establishment of a boundary between the contracting parties, some parts of "Brown's line," previously mentioned, were agreed upon as a portion of the boundary, and the Indians relinquished their lands as low down on Holston River as the mouth of Cloud's Creek. To this treaty the Chicamauga band of Cherokees refused to give their assent.[3]

The boundaries defined by this treaty are alluded to and described in an act of the North Carolina legislature passed in the following year, wherein it is stipulated that "no person shall enter or survey any lands within the Indian hunting grounds, or without the limits heretofore ceded by them, which limits westward are declared to be as follows: Begin at a point on the dividing line which hath been agreed upon between the Cherokees and the colony of Virginia, where the line between that Commonwealth and this State (hereafter to be extended) shall intersect the same; running thence a right line to the mouth of Cloud's Creek, being the second creek below the Warrior's Ford, at the mouth of Carter's Valley; thence a right line to the highest point of Chimney Top Mountain or High Rock; thence a right line to the mouth of Camp or McNamee's Creek, on south bank of Nolichucky, about ten miles below the mouth of Big Limestone; from the mouth of Camp Creek a southeast course to the top of Great Iron Mountain, being the same which divides the hunting grounds of the Overhill Cherokees from the hunting grounds of the middle settlements; and from the top of Iron Mountain a south course to the dividing ridge between the waters of French Broad, and Nolichucky Rivers; thence a southwesterly course along the ridge to the great ridge of the Appalachian Mountains, which divide the eastern and western waters; thence with said dividing ridge to the line that divides the State of South Carolina from this State."[4]

Emigration of Chicamauga band.—The Cherokees being very much curtailed in their hunting grounds by the loss of the territory wrested

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[1] Letter of Governor Blount to Secretary of War, January 14, 1793. See American State Papers, Indian Affairs, Vol. I, p. 431.

[2] American State Papers, Indian Affairs, Vol. I, p. 431, and Ramsey's Tenn., p. 172.

[3] Haywood's Tennessee, p. 451.

[4] Scott's Laws of Tennessee and North Carolina, Vol. I, p. 225.

from them by the terms of these two treaties, began a movement further down the Tennessee River, and the most warlike and intractable portion of them, known as the Chicamaugas, settled and built towns on Chicamauga Creek, about one hundred miles below the mouth of the Holston River. Becoming persuaded, however, that this creek was infested with witches they abandoned it in 1782, and built lower down the Tennessee the towns usually called "The Five Lower Towns on the Tennessee." These towns were named respectively Running Water, Nickajack, Long Island Village, Crow Town, and Lookout Mountain Town. From thence marauding parties were wont to issue in their operations against the rapidly encroaching settlements.[1]

Although comparative peace and quiet for a time followed the heroic treatment administered to the Indians by the expeditions of Williamson, Rutherford, Christian, and others, reciprocal outrages between the whites and Indians were of frequent occurrence. The situation was aggravated in 1783 by the action of the assembly of North Carolina in passing an act (without consulting the Indians or making any effort to secure their concurrence) extending the western boundary of that State to the Mississippi River, reserving, however, for the use of the Cherokees as a hunting ground a tract comprised between the point where the Tennessee River first crosses the southern boundary of the State and the head waters of Big Pigeon River.[2]

Treaty and purchase of 1783.—On the 31st of May of this same year, by a treaty concluded at Augusta, Ga., the Cherokee delegates present (together with a few Creeks, who, on the 1st of November succeeding, agreed to the cession) assumed to cede to that State the respective claims of those two nations to the country lying on the west side of the Tugaloo River, extending to and including the Upper Oconee River region.[3] With the provisions of this treaty no large or representative portion of either nation was satisfied, and in connection with the remarkable territorial assertions of the State of North Carolina, together with the constant encroachments of white settlers beyond the Indian boundary line, a spirit of restless discontent and fear was nourished among the Indians that resulted in many acts of ferocious hostility.

Treaties with the State of Franklin.—In 1784, in consequence of the cession by North Carolina to the United States of all her claims to lands west of the mountains (which cession was not, however, accepted by the United States within the two years prescribed by the act) the citizens within the limits of the present State of Tennessee elected delegates to a convention, which formed a State organization under the name of the State of Franklin and which maintained a somewhat precarious po-

[1] Letter of Governor Blount to Secretary of War, January 14, 1793. See American State Papers, Indian Affairs, Vol. I, p. 431, also page 263.

[2] Report of Senate Committee March 1, 1797. See American State Papers, Indian Affairs, Vol. I, p. 623. Also Ramsey's Annals of Tennessee, p. 276.

[3] Carpenter and Arthur's History of Georgia, p. 253.

litical existence for about four years. During this interval the authorities of the so-called State negotiated two treaties with the Cherokee Nation, the first one being entered into near the mouth of Dumplin Creek, on the north bank of French Broad River, May 31, 1785.[1] This treaty established the ridge dividing the waters of Little River from those of the Tennessee as the dividing line between the possessions of the whites and Indians, the latter ceding all claim to lands south of the French Broad and Holston, lying east of that ridge. The second treaty or conference was held at Chotee Ford and Coytoy, July 31 to August 3, 1786. The Franklin Commissioners at this conference modestly remarked, "We only claim the island in Tennessee at the mouth of Holston and from the head of the island to the dividing ridge between the Holston River, Little River, and Tennessee to the Blue Ridge, and the lands North Carolina sold us on the north side of Tennessee." They urged this claim under threat of extirpating the Cherokees as the penalty of refusal.[2]

TREATY RELATIONS WITH THE UNITED STATES.

This general history of the Cherokee Nation and the treaty relations that had existed with the colonial authorities from the period of their first official contact with each other is given as preliminary to the consideration of the history and provisions of the first treaty negotiated between commissioners on the part of the United States and the said Cherokee Nation, viz, the treaty concluded at Hopewell, on the Keowee River, November 28, 1785, an abstract of the provisions of which is hereinbefore given.[3]

The conclusion of this treaty marked the beginning of a new era in the relations between the whites and Cherokees. The boundaries then fixed were the most favorable it was possible to obtain from the latter without regard to previous purchases and pretended purchases made by private individuals and others. Although the Indians yielded an extensive territory to the United States,[4] yet, on the other hand, the latter conceded to the Cherokees a considerable extent of territory that had already been purchased from them by private individuals or associations, though by methods of more than doubtful legality.

The contentions between the border settlers of Virginia, North Carolina, South Carolina, and Georgia, as well as of the authorities of those States, with the Cherokees and Creeks, concerning boundaries and the constantly recurring mutual depredations and assaults upon each other's lives and property, prompted Congress, though still deriving its powers from the Articles of Confederation, to the active exercise of its treaty-making functions. It was, therefore, determined[5] to appoint commis-

[1] Ramsey's Annals of Tennessee, p. 299.

[2] Ib., p. 345.

[3] United States Statutes at Large, Vol. VII, p. 18.

[4] See Nos. 10*a* and 10*b* on accompanying map of Cherokee cessions.

[5] By resolution of Congress, March 15, 1785.

sioners who should be empowered under their instructions, subject, of course, to ratification by Congress, to negotiate a treaty with the Cherokees, at which the boundaries of the lands claimed by them should be as accurately ascertained as might be, and the line of division carefully marked between them and the white settlements. This was deemed essential in order that authoritative proclamation might be made of the same, advising and warning settlers against further encroachments upon Indian territory.

PROCEEDINGS AT TREATY OF HOPEWELL.

The commissioners deputed for the performance of this duty were Benjamin Hawkins, Andrew Pickens, Joseph Martin, and Lachlan McIntosh. They convened the Indians in council at Hopewell, S. C., on the 18th of November, 1785.[1] Hopewell is on the Keowee River, 15 miles above the junction of that river with the Tugaloo. The commissioners announced to the Indians the change of sovereignty from Great Britain to Congress that had taken place in the country as a consequence of the successful termination of the Revolution. They further set forth that Congress wanted none of the Indian lands, nor anything else belonging to them, but that if they had any grievances, to state them freely, and Congress would see justice done them. The Indian chiefs drafted a map showing the limits of country claimed by them, which included the greater portion of Kentucky and Tennessee, as well as portions of North Carolina, South Carolina, and Georgia. Being reminded by the commissioners that this claim covered the country purchased by Colonel Henderson, who was now dead, and whose purchase must therefore not be disputed, they consented to relinquish that portion of it. They also consented that the line as finally agreed upon, from the mouth of Duck River to the dividing ridge between the Cumberland and Tennessee Rivers, should be continued up that ridge and from thence to the Cumberland in such a manner as to leave all the white settlers in the Cumberland country outside of the Indian limits.

At the time, it was supposed this could be accomplished by running a northeast line from the ridge so as to strike the Cumberland *forty miles above Nashville.* This portion of the boundary, not having been affected by the treaty of 1791 (as was supposed by the Cherokees), was reiterated in that treaty in a reverse direction. But the language used—whether intentional or accidental—rendered it susceptible of a construction more favorable to the whites. This language read, "Thence down the Cumberland River to a point from which a southwest line will strike the ridge which divides the waters of Cumberland from those of Duck River, 40 miles above Nashville." As this line was not actually surveyed and marked until the fall of 1797,[2] and as the settlements in that

[1] Report of Treaty Commissioners, dated Hopewell, December 2, 1785. See American State Papers, Indian Affairs, Vol. I, p. 40.

[2] American State Papers, Indian Affairs, Vol. I, p. 628, and letter of General Winchester to General Robertson, November 9, 1797.

locality had in the meantime materially advanced, it became necessary, in order to exclude the bulk of the settlers from the Indian country, to take advantage of this technicality. The line was consequently so run (from a point on said dividing ridge 40 miles above Nashville) that it struck the Cumberland River about 1 mile above the mouth of Rock Castle River, a distance of perhaps 175 to 200 miles above Nashville. This line was surveyed by General James Winchester, who, under date of November 9, 1797, in a letter to General Robertson, describes a portion of it as running as follows:

> From Walton's road to the Fort Blount road, which it crosses near the two springs at the 32-mile tree; crosses Obey's River about 6 or 7 miles from the mouth; Achmugh about 2 miles above the Salt Lick; the South Fork of Cumberland, or Flute River, 5 or 6 miles from the mouth, and struck Cumberland River about a mile above the mouth of Rock Castle.

He also adds that the total length of the line (from the dividing ridge to Cumberland River above Rock Castle) is $138\frac{11}{16}$ miles.

The Fort Blount here mentioned was on the south side of Cumberland River, about 6 miles in a direct line, southwest of Gainesboro', and the road led from there to Walton's road, which it joined at or near the present site of Cooksville.[1] Walton's or Caney Fork road led from Carthage in an easterly direction, and before the organization of Putnam County formed the boundary line between Overton and White counties, from whence it continued easterly through Anderson's Cross Roads and Montgomery to Wilson's, in Knox County. The "Two Springs," are about 2 or 3 miles northwest of Cooksville.[1]

There is much difficulty in determining the absolute course of the "Winchester line," from the meager description contained in his letter above quoted. Arrowsmith and Lewis, in their Atlas, published in 1805, lay down the line as pursuing a perfectly straight course from its point of departure on the dividing ridge to its termination on the Cumberland above the mouth of Rock Castle River. Their authority for such a definition of the boundary is not given. If such was the true course of the line, the description given in General Winchester's letter would need some explanation. He must have considered Obey's River as emptying into Wolf River in order to bring his crossing of the former stream reasonably near the distance from its mouth specified by him. He must also have been mistaken in his estimate of the distance at which the line crossed above the mouth of the South Fork of the Cumberland. The line of Arrowsmith and Lewis would cross that stream at least 12 miles in a direct line above its mouth, instead of five or six. It is ascertained from correspondence with the officers of the Historical Society of Tennessee, that the line, after crossing the Fort Blount road at the "Two Springs," continued in a northeasterly direction, crossing Roaring Fork near the mouth of a small creek, and, pursuing the same course, passed to the east of the town of Livingston.

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[1] Letter of Hon. Jno. M. Lea, of Nashville, Tenn., to the author.

"Nettle Carrier," a Cherokee Indian of some local note, lived on the headwaters of Nettle Carrier's Creek, about four or five miles east of Livingston, and the line passed about half-way between his cabin and the present site of that village.[1] Thence it continued to the crossing of Obey's River, and thence to the point of intersection with the Kentucky boundary line, which is ascertained to have been at the northeast corner of Overton County, Tennessee, as originally organized in 1806. From this point the line continued to the crossing of Big South Fork, at the place indicated by General Winchester, and thence on to the Cumberland at the terminal point one mile above the mouth of Rock Castle River. In the interest of clearness a literal following of the line indicated in General Winchester's letter, and also that given by Arrowsmith and Lewis, are shown upon the accompanying map. At the conference preliminary to the signing of the treaty of 1785, the Indians also asserted that within the fork of the French Broad and Holston Rivers were 3,000 white settlers who were there in defiance of their protests. They maintained that they had never ceded that country, and it being a favorite spot with them the settlers must be removed. The commissioners vainly endeavored to secure a cession of the French Broad tract, remarking that the settlers were too numerous to make their removal possible, but could only succeed in securing the insertion of an article in the treaty, providing for the submission of the subject to Congress, the settlers, in the mean time, to remain unmolested.[2]

Protest of North Carolina and Georgia.—During the pendency of negotiations, William Blount, of North Carolina, and John King and Thomas Glasscock, of Georgia, presented their commissions as the agents representing the interests of their respective States. They entered formal protests in the names of those States against the validity of the treaty, as containing several stipulations which infringed and violated the legislative rights thereof. The principal of these was the right, as assumed by the commissioners, of assigning to the Indians, territory which had already been appropriated, by act of the legislature in the case of North Carolina, to the discharge of bounty-land claims of the officers and soldiers of that State who had served in the Continental line during the Revolution.[3]

There were present at this treaty, according to the report of the commissioners, 918 Cherokees, to whom, after the signature and execution thereof, were distributed as presents goods to the value of $\$1{,}311\frac{10}{90}$. The meagerness of the supply was occasioned, as the commissioners explained, by their expectancy of only meeting the chiefs and headmen.[4]

[1] Letter of Geo. H. Morgan, of Gainesborough, Tennessee.

[2] Report of Treaty Commissioners. See American State Papers, Indian Affairs, Vol. I, p. 38.

[3] American State Papers, Indian Affairs, Vol. I, p. 44.

[4] Journal of Treaty Commissioners. See American State Papers, Indian Affairs, Vol. I, p. 43.

Location of boundaries.—In the location of the boundary points between the Cherokees and whites, recited in the fourth article of the treaty, it is proper to remark that—

1. The route of the line along the ridge between Cumberland and Tennessee Rivers, and from thence to the Cumberland, at a point 40 miles above Nashville, has already been recited.

2. "The ford where the Kentucky road crosses the river" (Cumberland) is at a point opposite the mouth of Left-Hand Fork, about 12 or 13 miles slightly west of north of Cumberland Gap. From the point "40 miles above Nashville" to this ford, the commissioners adopted, as they declare, the line of Henderson's Purchase; while from the "Kentucky Ford" to the mountain, 6 miles south of the mouth of Camp Creek on Nolichucky, they followed the boundary prescribed by the treaty of July 20, 1777, with Virginia and North Carolina.[1]

3. "Campbell's line" was surveyed in 1777–'78 by General William Campbell, as a commissioner for marking the boundary between Virginia and the Cherokees. It extended from the mouth of Big Creek to the high knob on Poor Valley Ridge, 332 poles S. 70° E. of the summit of the main ridge of Cumberland Mountain, a short distance west of Cumberland Gap.[2] The point at which the treaty line of 1785 struck Campbell's line was at the Kentucky road crossing, about 1½ miles southeast of Cumberland Gap.

4. The treaty line followed Campbell's line until it reached a point due north of the mouth of Cloud's Creek. From this point it ran south to the mouth of that creek, which enters the Holston from the north, 3 miles west of Rogersville.

5. The line from Cloud's Creek pursued a northeasterly direction to Chimney Top Mountain, which it struck at a point about 2 miles to the southward of the Long Island of Holston River.

6. "Camp Creek, near the mouth of Big Limestone, on the Nolichucky" (which is the next point in the boundary line), is a south branch of Nolichucky River in Greene County, Tennessee, between Horse and Cove Creeks, and empties about 6 miles southeast of Greeneville. It was sometimes called McNamee's Creek.

7. The mountain "six miles to the southward of Camp Creek" was in the Great Smoky or Iron Range, not far from the head of that creek.

8. "Thence south to the North Carolina line, thence to the South Carolina Indian boundary." This line was partially surveyed in the winter of 1791, by Joseph Hardin, under the direction of Governor Blount.[3] It ran southeasterly from the mouth of McNamee's or Camp

[1] Report of Treaty Commissioners in American State Papers, Indian Affairs, Vol. I, p. 38.

[2] Letter of Return J. Meigs to Secretary of War, May 5, 1803; also, letter of Hon. John M. Lea, Nashville, Tennessee.

[3] Letter of Governor Blount to Secretary of War, December 16, 1792, in American State Papers, Indian Affairs, Vol. I, p. 631.

Creek, a distance, as stated by Governor Blount, of 60 miles to Rutherford's War Trace, although the point at which it struck this "Trace," which is given in Governor Blount's correspondence as being 10 or 12 miles west of the Swannanoa settlement, is only a trifle over 50 miles in a direct line from the mouth of Camp Creek.

The "Rutherford's War Trace" here spoken of was the route pursued by General Griffith Rutherford, who, in the summer of 1776, marched an army of 2,400 men against the Cherokees. He was re-enforced by Colonels Martin and Armstrong at Cathey's Fort; crossed the Blue Ridge at Swannanæ Gap; passed down and over the French Broad at a place yet known as the "War Ford;" continued up the valley of Hominy Creek, leaving Pisgah Mountain to the left and crossing Pigeon River a little below the mouth of East Fork; thence through the mountains to Richland Creek, above the present town of Waynesville; ascended that creek and crossed Tuckaseigee River at an Indian village; continued across Cowee Mountain, and thence to the Middle Cherokee Towns on Tennessee River, to meet General Williamson, from South Carolina, with an army bent on a like mission.[1] The boundary between western North Carolina and South Carolina was not definitely established at the date of the survey of Hardin's line and, as shown by an old map on file in the Office of Indian Affairs, the point at which a prolongation of Hardin's line would have struck the South Carolina Indian boundary was supposed to be on or near the 35th degree of north latitude,[2] whereas it was actually more than 20 miles to the north of that parallel and about 10 miles to the north of the present boundary of South Carolina. The definite establishment of this treaty line of 1785 in this quarter, however, became unnecessary by reason of the ratification in February, 1792, of the Cherokee treaty concluded July 2, 1791,[3] wherein the Indian boundary line was withdrawn a considerable distance to the west.

9. The line along the "South Carolina Indian boundary" ran in a southwesterly direction from the point of contact with the prolongation of Hardin's line, passing over "Ocunna" Mountain a short distance to the northwestwardly of Oconee Station and striking the Tugaloo River at a point about 1 mile above the mouth of Panther Creek.[2]

10. The line from Tugaloo River pursued a west of south course to Currahee Mountain, which is the southern terminus of a spur of the Alleghany Mountains, and is situated 4 miles southwest of "Toccoa Falls" and 16 miles northwest of Carnesville, Georgia.

11. From "Currahee Mountain to the head of the south fork of Oconee River," the line pursued a course south 38° west[2] to the source of that stream, now commonly known as the Appallachee River, and

[1] Ramsey's Annals of Tennessee.

[2] Old manuscript map on file in Indian Office, Washington, D. C.

[3] United States Statutes at Large, Vol. VII, p. 39.

was the terminal point of the boundary as defined in this treaty. This line was surveyed in 1798[1] under the direction of Col. Benj. Hawkins.

It is also a pertinent fact in connection with the boundaries defined by this treaty (as already stated in connection with Henderson's treaty), that although a literal reading of the description contained in Henderson's "Great Grant" of 1775 would include all the country watered by the tributaries of the Cumberland, the commissioners who negotiated this treaty of Hopewell in 1785 did not consider Henderson's Purchase as extending south of the Cumberland River proper, except in its course from Powell's Mountain to the head of the most southwardly branch of that river. This branch was considered by these commissioners of 1785 as being the Yellow River, whose source was at best but imperfectly known. They specifically state that they accept the boundaries of Henderson's Purchase in this direction,[2] and as the boundary defined by them between Powell's Mountain and Yellow River was "Campbell's line," they must have considered that line as being the southern limit of Henderson's Great Grant.

TREATY CONCLUDED JULY 2, 1791; PROCLAIMED FEBRUARY 7, 1792.[3]

Held on bank of Holston River, near the mouth of French Broad, between William Blount, governor of the Territory south of Ohio River and superintendent of Indian affairs, representing the President of the United States, on the part and behalf of said States, and the chiefs and warriors of the Cherokee Nation on the part and behalf of said nation.

MATERIAL PROVISIONS.

1. Perpetual peace declared between the United States and the Cherokee Nation.

2. Cherokees to be under sole protection of the United States and to hold no treaty with any State or individuals.

3. Cherokees and the United States to mutually release prisoners captured one from the other.

4. Boundary between the United States and the Cherokees defined as follows: Beginning at the top of Currahee Mountain, where the Creek line passes it; thence a direct line to Tugelo River; thence northeast to Ocunna Mountain and over same along South Carolina Indian boundary

[1] See resolution of Georgia legislature, June 16, 1802. It is however stated by Return J. Meigs, in a letter to the Secretary of War dated December 20, 1811, that this line was run by Colonel Hawkins in 1797.

[2] American State Papers, Indian Affairs, Vol. I, p. 38.

[3] United States Statutes at Large, Vol. VII, p. 39.

to the North Carolina boundary; thence north to a point from which a line is to be extended to the River Clinch that shall pass the Holston at the ridge dividing waters of Little River from those of Tennessee River; thence up Clinch River to Campbell's line and along the same to the top of Cumberland Mountain; thence a direct line to Cumberland River where the Kentucky road crosses it; thence down Cumberland River to a point from which a southwest line will strike the ridge dividing waters of Cumberland from those of Duck River 40 miles above Nashville; thence down said ridge to a point from which a southwest line will strike the mouth of Duck River.

To prevent future disputes, said boundary to be ascertained and marked by three persons appointed by the United States and three persons appointed by the Cherokees.

To extinguish all claim of Cherokees to lands lying to the right of said line, the United States agree to immediately deliver certain valuable goods to the Cherokees and to pay them $1,000 annually.

5. Citizens of United States to have free use of road from Washington District to Mero District and of navigation of Tennessee River.

6. The United States to have exclusive right of regulating trade with the Cherokees.

7. The United States solemnly guarantee to the Cherokees all their lands not herein ceded.

8. Citizens of the United States or others not Indians settling on Cherokee lands to forfeit protection of the United States and be punished as the Indians see fit.

9. Inhabitants of the United States forbidden to hunt on Cherokee lands, or to pass over the same without a passport from the governor of a State or Territory or other person authorized by the President of the United States to grant the same.

10. Cherokees committing crimes against citizens of the United States to be delivered up and punished by United States laws.

11. Inhabitants of the United States committing crimes or trespass against Cherokees to be tried and punished under United States laws.

12. Retaliation or reprisal forbidden until satisfaction has been refused by the aggressor.

13. Cherokees to give notice of any designs against the peace and interests of the United States.

14. Cherokees to be furnished with useful implements of husbandry. United States to send four persons to reside in Cherokee country to act as interpreters.

15. All animosities to cease and treaty to be faithfully carried out.

16. Treaty to take effect when ratified by the President of the United States by and with the advice and consent of the Senate.

HISTORICAL DATA.

CAUSES OF DISSATISFACTION WITH THE BOUNDARY OF 1785.

The boundary line prescribed by the treaty of November 28, 1785, had been unsatisfactory to both the Cherokees and the whites. On the part of the former the chief cause of complaint was the non-removal of the settlers in the fork of the French Broad and Holston Rivers and their evident disposition to encroach still farther into the Indian country at every opportunity. The whites, on the other hand, were discontented because further curtailment of the Cherokee territory had not been compelled by the commissioners who negotiated the treaty, and the State authorities of North Carolina and Georgia had protested because of the alleged interference by the General Government with the reserved rights of the States.[1] In retaliation for the intrusions of the whites the Indians were continually engaged in pilfering their stock and other property.

The state of affairs resulting from this continual friction rendered some decisive action by Congress necessary. A large portion of the land in Greene and Hawkins Counties, Tennessee, had been entered by the settlers under the laws of North Carolina, whereby she had assumed jurisdiction to the Mississippi River.[2] These lands were south and west of the treaty line of 1785, as were also the lands on the west side of the Clinch upon which settlements had been made. Settlers to the number of several thousand, south of the French Broad and Holston, were also within the Cherokee limits.[3]

It is true that the authorities of the so-called State of Franklin had in the years 1785 and 1786 negotiated two treaties with the Cherokees, obtaining cessions from the latter covering most, if not all, of these lands,[4] but neither the State of North Carolina nor the United States recognized these treaties as of any force or validity.

These trespasses called forth under date of September 1, 1788, a proclamation from Congress forbidding all such unwarrantable intrusions, and enjoining all those who had settled upon the hunting ground of the Cherokees to depart with their families and effects without loss of time.

General Knox, Secretary of War, under date of July 7, 1789, in a communication to the President, remarked that "the disgraceful violation of the treaty of Hopewell with the Cherokees requires the serious consideration of Congress. If so direct and manifest con-

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[1] American State Papers, Indian Affairs, Vol. I, p. 44.

[2] Protest of Col. William Blount to Treaty Commissioners of 1785. American State Papers, Indian Affairs, Vol. I, p. 44, and Ramsey's Annals of Tenn., p. 549. Also Scott's Laws of Tennessee and North Carolina, Vol. I.

[3] American State Papers, Indian Affairs, Vol. I, p. 38.

[4] Ramsey's Annals of Tennessee, p. 345.

tempt of the authority of the United States be suffered with impunity, it will be in vain to attempt to extend the arm of government to the frontiers. The Indian tribes can have no faith in such imbecile promises, and the lawless whites will ridicule a government which shall, on paper only, make Indian treaties and regulate Indian boundaries."[1]

He recommended the appointment of three commissioners on the part of the United States, who should be invested with full powers to examine into the case of the Cherokees and to renew with them the treaty made at Hopewell in 1785; also to report to the President such measures as should be necessary to protect the Indians in the boundaries secured to them by that treaty, which he suggested would involve the establishment of military posts within the Indian country and the services of at least five hundred troops. President Washington, on the same day, transmitted the report of the Secretary of War, with the accompanying papers, to Congress. He approved of the recommendations of General Knox, and urged upon that body prompt action in the matter.

Congress, however, failed to take any decisive action at that session, and on the 11th of August, 1790, President Washington again brought the subject to the attention of that body. After reciting the substance of his previous communication, he added that, notwithstanding the treaty of Hopewell and the proclamation of Congress, upwards of five hundred families had settled upon the Cherokee lands, exclusive of those between the fork of the French Broad and Holston Rivers.[2] He further added that, as the obstructions to a proper conduct of the matter had been removed since his previous communication, by the accession of North Carolina to the Union and the cession to the United States by her of the lands in question,[3] he should conceive himself bound to exert the powers intrusted to him by the Constitution in order to carry into faithful execution the treaty of Hopewell, unless it should be thought proper to attempt to arrange a new boundary with the Cherokees, embracing the settlements and compensating the Cherokees for the cessions they should make.

United States Senate authorizes a new treaty.—Upon the reception of this message the Senate adopted a resolution advising and consenting that the President should, at his discretion, cause the treaty of Hopewell to be carried into execution or enter into arrangements for such

[1] American State Papers, Indian Affairs, Vol. I, p. 53.

[2] Ib., p. 83.

[3] The assembly of North Carolina proceeded in 1789 to mature a plan for the severance of Tennessee, and passed an act for the purpose of ceding to the United States of America certain western lands therein described. In conformity with one of the provisions of the act, Samuel Johnson and Benjamin Hawkins, Senators in Congress from North Carolina, executed a deed to the United States on the 25th of February, 1790. Congress accepted the cession by act of April 2, 1790, and Tennessee ceased to be a part of North Carolina.

further cession of territory from the Cherokees as the tranquillity and interests of the United States should require. A proviso to this resolution limited the compensation to be paid to the Cherokees for such further cession to $1,000 per annum and stipulated that no person who had taken possession of any lands within the limits of the proposed cession should be confirmed therein until he had complied with such terms as Congress should thereafter prescribe.

Accordingly, instructions were issued to William Blount, governor of the Territory south of the Ohio River and *ex-officio* superintendent of Indian affairs, to conclude a treaty of cession with the Cherokees.[1]

TENNESSEE COMPANY'S PURCHASE.

In the mean time the troubles between the Indians and the settlers had become aggravated from divers causes. Prominent among these was the fact that Georgia had by act of her legislature disposed of 3,500,000 acres of vacant land lying south of Tennessee River to the Tennessee Company. This association undertook to effect a settlement in the year 1791 at or near the Muscle Shoals.[2] The matter coming to the notice of the Secretary of War was made the subject of a strong protest by him to the President.[3]

The latter issued his proclamation forbidding such settlement. The company persisted in the attempt, and as the President had declared such act would place them without the protection of the United States, the Indians were left free to break up and destroy the settlement, which they did.[4]

DIFFICULTIES IN NEGOTIATING NEW TREATY.

In pursuance of Governor Blount's instructions, he convened the Indians at White's Fort, on the present site of Knoxville, Tenn.; and after a conference lasting seven days, succeeded, with much difficulty and with great reluctance on the part of the Cherokees, in concluding the treaty of July 2, 1791.[5]

In his letter to the Secretary of War,[6] transmitting the treaty, he asserts the greatest difficulty to have been in agreeing on a boundary, and that the one fixed upon might seem singular. The reason for this peculiarity of description was owing to the fact that the Indians in-

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[1] These instructions were issued in pursuance of the advice and consent of the Senate, under date of August 11, 1790. See American State Papers, Indian Affairs, Vol. I, p. 135.

[2] This act of the Georgia legislature bore date of December 21, 1789. A prior act, bearing date February 7, 1785, had been passed, entitled "An act for laying out a district of land situated on the river Mississippi, within the limits of this State, into a county, to be called Bourbon." See American State Papers, Indian Affairs, Vol. I, p. 114.

[3] January 22, 1791. See American State Papers, Indian Affairs, Vol. I, p. 112.

[4] Ramsey's Annals of Tennessee, pp. 549–556.

[5] United States Statutes at Large, Vol. VII, p. 39.

[6] July 15, 1791. See American State Papers, Indian Affairs, Vol. I, p. 628.

sisted on beginning on the part where they were most tenacious of the land, in preference to the mouth of Duck River, where the Hopewell treaty line began. The land to the right of the line was declared to belong to the United States, because no given point of the compass would describe it. In accordance with his instructions, Governor Blount proposed to the Indians that the ridge dividing the waters of Little River from those of the Tennessee should form a part of the boundary. To this the Indians would not agree, but insisted on the straight line which should cross the Holston where that ridge should strike it. Governor Blount explains that this line is not so limited by the treaty as to the point at which it shall leave the north line or at which it shall strike the Clinch, but that it might be so run as either to include or leave out the settlers south of the ridge; the only stipulations respecting it being that it should cross the Holston at the ridge, and should be run by commissioners appointed by the respective parties.

He urged that the line should be run immediately after the ratification of the treaty, as settlers were already located in the immediate vicinity of it, and more were preparing to follow.

The President transmitted the treaty to the Senate with his message of October 26, 1791,[1] and Senator Hawkins, from the committee to whom it was referred, reported it back to the Senate on the 9th of November following, recommending that the Senate advise and consent to its ratification.[2]

On the 19th of the same month the Secretary of War advised Governor Blount that the treaty had been ratified by the President, by and with the advice and consent of the Senate, and inclosed him 50 printed copies for distribution, although the United States Statutes at Large [Vol. VII, p. 39] give the date of the proclamation of the treaty as February 7, 1792.[3]

SURVEY OF NEW BOUNDARIES.

The Secretary also intrusted the matter of the survey of the new boundary to the discretion of Governor Blount, and suggested the appointment of Judge Campbell, Daniel Smith, and Col. Landon Carter as commissioners to superintend the same. This suggestion was subsequently modified by the appointment of Charles McLung and John McKee in place of Smith and Carter. Governor Blount designated the 1st of May as the date for the survey to commence. Andrew Ellicott was appointed surveyor, he having been previously appointed to survey the line under the Creek treaty of 1790.[4] Before these arrangements could be carried out, the Secretary of War again wrote Governor Blount,[5] remarking that while it was important the line should be run,

[1] American State Papers, Indian Affairs, Vol. I, p. 123.
[2] Ib., p. 135.
[3] Ib., p. 629.
[4] Ib., p. 628–630.
[5] January 31, 1792. See American State Papers, Indian Affairs, Vol. I, p. 629.

yet as the United States, in their military operations, might want the assistance of the Cherokees, perhaps it would be better policy to have the lines ascertained and marked after rather than before the campaign then about to commence against the Indians northwest of the Ohio.[1] It was thus determined, in view of numerous individual acts of hostility on the part of the Cherokees and of the desire to soothe them into peace and to engage them as auxiliaries against the northern Indians, to temporarily postpone the running of the line.

After considerable correspondence between Governor Blount and the Cherokee chiefs in council, the 8th of October, 1792, was fixed upon as the date for the meeting of the representatives of both parties at Major Craig's, on Nine-Mile Creek, for the purpose of beginning the survey.[2] In the mean time an increased spirit of hostility had become manifest among the Cherokees and Creeks, the five lower towns of the former having declared war, and an Indian invasion of the frontier seemed imminent. Governor Blount, therefore, in the latter part of September,[3] deemed it wise to call fifteen companies of militia into immediate service, under the command of General Sevier, for the protection of the settlements. Notwithstanding this critical condition of affairs, the boundary line commissioners on the part of the United States assembled at the appointed time and place. After waiting until the following day, the representatives of the Cherokees putting in no appearance, they proceeded to inspect the supposed route of the treaty line. After careful examination they came to the conclusion that the ridge dividing the waters of Tennessee and Little Rivers struck the Holston River at the mouth and at no other point.[4]

They then proceeded to run, but did not mark, a line of experiment from the point of the ridge in a southeast direction to Chilhowee Mountain, a distance of 17½ miles, and also from the point of beginning in a northwest direction to the Clinch River, a distance of 9 miles. From these observations they found that the line, continued to the southeast, would intersect the Tennessee River shortly after it crossed the Chilhowee Mountain, and in consequence would deprive the Indians of all

[1] It may not be uninteresting as a historical incident to note the fact that at the time of General Wayne's treaty at Greeneville, in 1795, a band of Cherokees had settled on the head-waters of the Scioto River in Ohio. Not presenting themselves at the conferences preceding that treaty, General Wayne sent them a special message through Captain Long Hair, one of their chiefs, with the information that if they failed to conclude articles of peace with him they would be left unprotected. They sent a delegation to assure General Wayne of their desire for peace, saying that as soon as they gathered their crop of corn they would return to their tribe, which they did.

[2] American State Papers, Indian Affairs, Vol. I, p. 630. According to the original manuscript journal of Col. Benj. Hawkins, Major Craig's house was ¼ mile below the source of Nine-Mile Creek.

[3] September 27, 1792. See American State Papers, Indian Affairs, Vol. I, p. 630.

[4] Report of Boundary Commissioners, November 30, 1792. American State Papers, Indian Affairs, Vol. I, p. 630.

their towns lying on the south side of the Tennessee. This rendered apparent the necessity of changing the direction of the line into a more nearly east and west course, and led the commissioners to express the opinion that the true line should run from the point of the ridge south 60° east to Chilhowee Mountain and north 60° west to the Clinch.

The course thus designated left a number of the settlers on Nine-Mile Creek within the Indian limits.[1]

The records of the War Department having been almost completely destroyed by fire in the month of November, 1800, it is with great difficulty that definite data can be obtained concerning the survey of this and other Indian boundaries prior to that date. It has, however, been ascertained that the above mentioned line was not actually surveyed until the year 1797.

Journal of Col. Benjamin Hawkins.—The manuscript journal of Col. Benjamin Hawkins, now in the possession of the Historical Society of Georgia, shows that instructions were issued by the Secretary of War on the 2d of February, 1797, appointing and directing Col. Benjamin Hawkins, General Andrew Pickens, and General James Winchester as commissioners on the part of the United States to establish and mark the lines between the latter and the Indian nations south of the Ohio. These instructions reached Colonel Hawkins at Fort Fidius, on the Oconee, on the 28th of February. Notice was at once sent to General Pickens at his residence at Hopewell, on the Keowee, and also to General Winchester, through Silas Dinsmoor, at that time temporary agent for the Cherokee Nation, to convene at Tellico, on Tennessee River, on the 1st of April following, for the purpose of determining and marking the Cherokee boundary line pursuant to the treaty of 1791. Colonel Hawkins joined General Pickens at Hopewell, from which point they set out for Tellico on the 23d of March, accompanied by Joseph Whitner, one of their surveyors, as well as by an escort of United States troops, furnished by Lieut. Col. Henry Gaither. Passing Ocunna station, they were joined by their other surveyor, John Clark Kilpatrick. They reached Tellico block-house on the 31st of March, and were joined on the following day by Mr. Dinsmoor, the Cherokee agent. Here they were visited by Hon. David Campbell, who, in conjunction with Charles McLung and John McKee, had been appointed in 1792, as previously set forth, to survey and mark the line. Mr. Campbell informed them that he and his co-commissioners, in pursuance of their instructions, did in part ascertain and establish the boundary and report the same to Governor Blount, and that he would accompany the present commissioners and give them all the information he possessed on the subject. About the same time confidential information was received that General Winchester would not attend the meeting of his co-commissioners, and that this was understood to be in pursuance of a scheme to postpone

[1] Report of Boundary Commissioners, November 30, 1792. American State Papers, Indian Affairs, Vol. I, p. 630.

the running of the line in the interest of certain intruders upon Indian land. On the 7th of April the commissioners set out to examine the location and direction of the ridge dividing the waters of Little River from those of Tennessee, at the same time noting that "we received information that the line run between the Indians and white inhabitants by the commissioners, mentioned on the 3d instant by Mr. Campbell, was by order, for the express purpose of ascertaining a line of accommodation for the white settlers, who were then over the treaty line." By arrangement they met a number of the interested settlers at the house of Mr. Bartlett McGee on the 9th, and by them were advised that the ridge between the sources of Nine-Mile, Baker's, Pistol, and Crooked Creeks "is that which divides the waters running into Little River from those running into the Tennessee."

Proceeding with their observations, they set out for the point on this ridge "where the experiment line for fixing the court-house of Blount County passes the ridge between Pistol Creek and Baker's Creek, due east from a point on the Tennessee 13½ miles, and this point on the Tennessee is 1½ miles south from a point from where a line west joins the confluence of the Holston and Tennessee." The point on the ridge here spoken of was 2½ miles north of Bartlett McGee's and 1 mile north of the source of Nine-Mile Creek. The commissioners state that in noting observations they count distances in minutes, at the rate of 60′ to 3 miles. From the foregoing point they proceeded west 8′ to a ridge dividing Pistol and Baker's Creeks; turned south 6′ to the top of a knoll, having on the right the falling grounds of Gallagher's Creek. This knoll they called "Iron Hill." Continuing south 11′, they crossed a small ridge and ascended a hill 4′ SSW., crossing a path from Baker's Creek to the settlements on Holston. From here the ridge bore SSW. 1 mile, SW. by W. 1 mile, SSW. 3 miles, and thence NW., which would make it strike the Holston River near the mouth of that stream. This corresponded with the observations of the previous commissioners who had run the experimental line.

This inspection convinced the commissioners that a considerable number of the white settlers were on the Indian land. The latter were quite anxious that some arrangement should be made for their accommodation in the coming conference with the Indians, but received no encouragement from the commissioners further than an assurance that they should be permitted to gather their crops of small grain and fruit before removal.

Being asked by the commissioners why the line run by Mr. Campbell and his confrères was known by three names, "that of experience, of experiment, and the treaty line with the Indians," they answered that "it was not the treaty line, but a line run to see how the citizens could be covered, as they were then settled on the frontier; that they understood this to be the direction to the commissioners, and that they conformed to it and ran the line as we had noticed in viewing the lands

between the two rivers." The settlers also said, "the law, as they were likely to be affected, had been incautiously worded. They understood from it that the line from Clinch to cross the Holston at the ridge would turn thence south to the South Carolina Indian boundary on the North Carolina line. We replied that this understanding of it was erroneous. There was no such course in the treaty, and they should never suppose that the Government would be capable of violating a solemn guarantee; that, although the expression was 'thence south,' yet it must be understood as meaning southeastwardly, to the point next called for, as the point is in that direction and far to the east; that the lands in question had moreover been expressly reserved by the State of North Carolina for the Indians, and the occupants had not, as some others had, even the plea of entry in the land office of that State."

The law referred to above by the settlers and the commissioners was the act of Congress approved May 19, 1796, entitled "An act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers." This act recited the course of the Indian boundary as established by treaty with the various tribes extending from the mouth of Cuyahoga River along the line described in the treaty of 1795 at Greenville, to the Ohio River and down the same to the ridge dividing the Cumberland and Tennessee Rivers; thence up and along said ridge and continuing according to the Cherokee treaty of 1791 to the river Clinch; "thence down said river to a point from which a line shall pass the Holston, at the ridge which divides the waters running into Little River from those running into the Tennessee; thence *south* to the North Carolina boundary," etc.

Owing to fears for their personal safety caused by the hostile tone of the settlers toward them, it was not until the 25th of April that a representative delegation of the Cherokees was convened in council by the commissioners. There were present 147 chiefs and warriors. Commissioners were appointed by them to act on behalf of their nation, in conjuction with those on behalf the United States, to run and mark the boundary line, and an agreement was reached that Messrs. Hawkins and Pickens should have authority to select the necessary sites for the proposed military posts within their country.

During the council a delegation of the intruding settlers presented themselves but were not allowed to attend the deliberations, being advised by the commissioners "that it was not in contemplation to make a new treaty but to carry the treaty of Holston into effect; that we did not expect much light on this subject from the Indians; that we should form our decision from the instrument itself and not from interested reporters on either side; that all who were on the Indian lands could not be relieved by us; * * * that he (Captain Henly) and most of the deputation lived on this side of the line of experiment, and that they had informed us that that line was merely to ascertain how the citizens could be accommodated and *on this side of the true line*

intended in the treaty; that to accommodate them a new treaty must be had and a new line agreed on, and, in our opinion, at this time it could not be effected; that the Indians were much alarmed for their situation, and viewed every attempt to acquire land as a violation of the solemn guaranty of the Government; that we need not expect ever to obtain fairly their consent to part with their land, unless our fellow-citizens would pay more respect than we saw they did to their treaties.

Following this conference with the Indians, the commissioners proceeded (examining the country carefully en route) to South West Point, at the mouth of Clinch River, which they reached on the 6th of May, and the journal of Colonel Hawkins concludes with this day's proceedings. It is learned, however, from an old map of the line now on file in the office of Indian Affairs, that the survey was not begun until more than three months after their arrival at South West Point. From another map in the same office it appears that the line as surveyed extended from a point about 1,000 yards above South West Point in a course S. 76° E. to the Great Iron Mountain, and was known as "Hawkins Line."[1] From this point the line continued in the same course until it reached the treaty line of 1785, and was called "Pickens Line." The supposition is that as the commissioners were provided with two surveyors, they separated, Colonel Hawkins with Mr. Whitner as surveyor running the line from Clinch River to the Great Iron Mountains, and General Pickens with Colonel Kilpatrick as surveyor locating the remainder of it. This supposition is verified so far as General Pickens is concerned by his own written statement.[2]

From the point where it struck the Clinch River, the line of cession by this treaty of 1791 followed up the course of that river until it struck Campbell's line at a point 3 or 4 miles southwest of the present town of Sneedville. From this point it became identical with the boundary line prescribed by the treaty of November 28, 1785 at Hopewell.

The tract of country ceded by this treaty comprised the territory within the present limits of Sevier, Cocke, Jefferson, Hamblen, Grainger, and almost the entirety of Knox, as well as portions of Roane, Loudon,

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[1] See preamble to treaty of 1798; American State Papers, Indian Affairs, Vol. I, pp. 639–641; letters of Indian Bureau, War Department, December 13 and 14, 1828; also, old manuscript maps in Office of Indian Affairs, Nos. 716 and 749. By the former of these maps it appears that the survey of "Hawkins Line" from Clinch River was begun August 13, 1797, and that "the line commences on the Clinch, one-fourth mile above the ferry, in view of South West Point. (The ferry was 600 yards above the point.) From this point the view through the vista or street passing Captain Wade's garden to the right S. 26 W. the same side of the river above N. 47 W. The beginning tree, a Spanish oak, marked U. S. on the north side and C. on the south; on the oak 1797. A wahoo marked U. S. and C. under the U. S. Aug. 13, continues the line 4 cuts 7 strikes to the Cumberland road, here a white oak marked U. S. and C. The mile trees have U. S. and C. marked on them," etc.

[2] Letter of Gen. Andrew Pickens to Hon. Mr. Nott, of South Carolina, January 1, 1800. See American State Papers, Public Lands, Vol. I, p. 104.

Anderson, Union, Hancock, Hawkins, Sullivan, Washington, Greene, and Blount Counties in Tennessee, together with a portion of North Carolina lying principally west of the French Broad River.

TREATY CONCLUDED FEBRUARY 17, 1792; PROCLAIMED FEBRUARY 17, 1792.

Held at Philadelphia, Pennsylvania, between Henry Knox, Secretary of War, on behalf of the United States, and certain chiefs and warriors, in behalf of themselves and the Cherokee Nation.

MATERIAL PROVISIONS.

This treaty was negotiated as, and declared to be, an additional article to the treaty of July 2, 1791, and provided as follows:

1. That the annual sum to be paid to the Cherokees by the United States, in consideration of the relinquishment of lands, made in treaty of 1791, be $1,500 instead of $1,000.

HISTORICAL DATA.

DISCONTENT OF THE CHEROKEES.

As stated in considering the treaty of July 2, 1791, the Secretary of War notified Governor Blount[1] that the President had ratified the same, and inclosed printed copies thereof to him for disfribution. This was equivalent to its official promulgation, although the treaty as printed in the United States Statutes at Large gives February 17, 1792, as the date of proclamation.

But, whichever may be the correct date, during the interval elapsing between them, a Cherokee delegation, without the invitation or knowledge of the United States authorities, proceeded to Philadelphia (then the seat of Government), where they arrived on the 28th of December, 1791, bringing with them from Governor Pinckney and General Pickens, of South Carolina, evidence of the authenticity of their mission.[2]

The delegation consisted of six, besides the interpreter, and was headed by Nen-e-too-yah, or the Bloody Fellow. They were kindly received by the President, who directed the Secretary of War to ascertain their business.

Conferences were thereupon held with them, lasting several days, at which the Indians detailed at great length their grievances and made known their wants.

Causes of complaint.—The substance of their communications was to the effect that when they were summoned by Governor Blount to the conference which resulted in the treaty of July 2, 1791, they were una-

[1] November 19, 1791. See American State Papers, Indian Affairs, Vol. I, p. 629.

[2] American State Papers, Indian Affairs, Vol. I, p. 203.

ware of any purpose on the part of the Government to secure any further cession of land from them; that they had protested vigorously and consistently for several days against yielding any more territory, but were met with such persistent and threatening demands from Governor Blount on the subject that they were forced to yield; that they had no confidence that the North Carolinians would attach any sacredness to the new boundary, in fact they were already settling beyond it; and that the annuity stipulated in the treaty of 1791, as compensation for the cession, was entirely inadequate. They therefore asked an increase of the annuity from $1,000 to $1,500, and furthermore demanded that the white people who had settled south of the ridge dividing the waters of Little River from those of the Tennessee should be removed, and that such ridge should be the barrier.

President Washington, believing their demand to be a just one, and also desiring that the delegation should carry home a favorable report of the attitude and disposition of the Government toward them, submitted the matter to the Senate[1] and requested the advice of that body as to the propriety of attaching an additional article to the treaty of 1791 which should increase the annuity from $1,000 to $1,500.

Annuity increased.—To this proposition the Senate gave its advice and consent,[2] and what is mentioned in the United States Statutes at Large as a treaty concluded and proclaimed February 17, 1792,[3] became the law of the land.

WAR WITH CHEROKEES.

This concession did not, however, in any large degree heal the differences and antagonisms existing between the Indians and the border settlers, with whom they were brought in constant contact. Even while the treaty of 1792 was being negotiated by the representatives of the Cherokees at the capital of the nation, a portion of their young warriors were consummating arrangements for the precipitation of a general war with the whites, and in September, 1792, a party of upwards of 700 Cherokee and Creek warriors attacked Buchanan's Station, Tenn., within 4 miles of Nashville. They were headed by the Cherokee chief John Watts, who was one of the signers of the treaty of Holston, and had he not been severely wounded early in the attack, it is likely the station would have been destroyed.[4]

A year later, between twelve and fifteen hundred Indians of the same tribes invaded the settlements on the Holston River and destroyed Cavitt's Station, 7 miles below Knoxville.[5] In fact, the intermediate periods between 1791 and 1795 were filled up by the incursions of smaller

[1] January 18, 1792.

[2] January 20, 1792.

[3] United States Statutes at Large, Vol. VII, p. 42.

[4] This attack was made about midnight on the 30th of September, 1792. See American State Papers, Indian Affairs, Vol. I, p. 294.

[5] American State Papers, Indian Affairs, Vol. I, p. 468.

war parties, and it was not until the latter year that the frontiers found any repose from Indian depredations.

The general tranquillity enjoyed after that date seems to have been occasioned by the wholesome discipline administered to the tribes northwest of the Ohio by General Wayne, in his victory of August 20, 1794, and as a result of the expedition of Major Ore, with his command of Tennesseeans and Kentuckians, in September of the same year, against the Lower Towns of the Cherokees, wherein two of those towns, Running Water and Nickajack, were destroyed.[1]

TREATY CONCLUDED JUNE 26, 1794; PROCLAIMED JANUARY 21, 1795.[2]

Held at Philadelphia, Pa., between Henry Knox, Secretary of War, on behalf of the United States, and the chiefs and warriors representing the Cherokee Nation of Indians.

MATERIAL PROVISIONS.

The treaty of July 2, 1791, not having been fully carried into effect, by reason of some misunderstanding, this treaty was concluded to adjudicate such differences, and contains the following provisions:

1. The treaty of July 2, 1791, declared to be in full force in respect to the boundaries, as well as in all other respects whatever.

2. The boundaries mentioned in the 4th article of treaty of July 2, 1791, to be ascertained and marked after ninety days' notice shall have been given to the Cherokee Nation of the time and place of commencing the operation by the United States commissioners.

3. The United States agree, in lieu of all former sums, to furnish the Cherokees with $5,000 worth of goods annually, as compensation for all territory ceded by treaties of November 28, 1785, and July 2, 1791.

4. Fifty dollars to be deducted from Cherokee annuity for every horse stolen by Cherokees from whites and not returned within three months.

5. These articles to be considered as additions to treaty of July 2, 1791, as soon as ratified by the President and Senate of the United States.

HISTORICAL DATA.

COMPLAINTS CONCERNING BOUNDARIES.

The destruction of the official records renders it very difficult to ascertain the details of the misunderstandings alleged in the preamble of this

[1] Report of Maj. James Ore to Governor Blount, September 24, 1794. He left Nashville September 7, with 550 mounted infantry, crossed the Tennessee on the 12th, about 4 miles below Nickajack, and on the morning of the 13th destroyed Nickajack and Running Water towns, killing upwards of 50 and making a number prisoners. See American State Papers, Indian Affairs, Vol. I, p. 632.

[2] United States Statutes at Large, Vol. VII, p. 43.

treaty of June 26, 1794,[1] to have arisen concerning the provisions of the treaty of 1791. But it is gathered from various sources that the principal cause of complaint was in reference to boundaries.

At the treaty of 1791, Governor Blount, as he alleges, sought, by every means in his power, to have the boundary of the cession follow, so far as might be, the natural barrier formed by the dividing ridge between the waters of Little River and those of the Tennessee,[2] and such in fact was the tenor of his instructions from the Secretary of War; but the Indian chiefs unanimously insisted that the boundary should be a straight line, running from the point where the ridge in question should strike the Holston, and assumed as evidence of the crookedness of Governor Blount's heart the fact that he desired to run a crooked line.[3]

After that treaty was concluded, however, it became evident that there would be difficulty in determining satisfactorily where the ridge came in contact with the Holston, inasmuch as the white settlers in the vicinity could not agree upon it. The Indians also changed their minds in some respect as to the proper course of the line; but, in view of the fact that settlers were encroaching with great persistency upon their territory, they saw the necessity of taking immediate steps to have the boundary officially surveyed and marked. They also revived an old claim to pay for lands yielded by them in the establishment of the treaty line of 1785, for which they had received no compensation.

Increase of annuity.—In the conference preceding the signature of this treaty of 1794 they insisted that for this and other reasons an increase should be made in the annuity provided by the treaty of 1791, as amended by that of 1792. This was agreed to by the United States, and the annuity was increased from $1,500 to $5,000.

Boundary line to be surveyed.—It was also agreed that the treaty line of 1791 should be promptly surveyed and marked after ninety days' notice had been given to the Cherokees of the time when and the place where the survey should begin.

This, as has already been stated in connection with the treaty of 1791, had been so far performed in the fall of 1792 as to run but not mark a preliminary line for a short portion of the distance, but in spite of the additional agreement in this treaty of 1794 the actual and final survey did not take place until 1797,[4] three years after the conclusion of this treaty and more than seven years after it was originally promised to be done.

The treaty of 1794 was concluded by the Secretary of War himself with a delegation of the Cherokees who had visited Philadelphia for

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[1] United States Statutes at Large, Vol. VII, p. 43.

[2] American State Papers, Indian Affairs, Vol. I, p. 629.

[3] Letter of Governor Blount to Secretary of War, March 2, 1792. See American State Papers, Indian Affairs, Vol. I, p. 629.

[4] American State Papers, Indian Affairs, Vol. I, p. 628.

that purpose. It was communicated by President Washington to the Senate on the 30th of December, 1794.[1]

CHEROKEE HOSTILITIES.

While this treaty was being negotiated, and for some months thereafter, a portion of the Cherokees were engaged in the bitterest hostilities against the white settlements, which were only brought to a close, as has been incidentally remarked in discussing the treaty of 1792, by the expedition of Major Ore against the Lower Cherokee towns in September, 1794.

Peace conference.—Following this expedition the hostile Cherokees sued for peace, and at their request a conference was held with them by Governor Blount, at Tellico Block House, on the 7th and 8th of November of that year.[2]

This council was attended by Col. John Watts, of Willstown, principal leader of the hostiles; Scolacutta, or the Hanging Maw, head chief of the nation, and four hundred other chiefs and warriors. A general disposition seemed to be manifested among them to abandon their habits of depredation and secure for themselves and their families that peace to which they, as well as their white neighbors, had long been strangers. Governor Blount met them in a friendly spirit and sought, by every means in his power, to confirm them in their good disposition.

In reporting the facts of this conference to the Secretary of War he asserted one of the most fruitful causes of friction between the whites and Indians to be the stealing and selling of horses by the latter, for which they could always find a ready and unquestioned market among unscrupulous whites. As measures of frontier protection he suggested the continuance of the three military garrisons of Southwest Point at the mouth of the Clinch, of Fort Granger at the mouth of the Holston, and of Tellico Block House, opposite the remains of old Fort Loudon, and also the erection of a military post, if the Cherokees would permit it, on the north bank of the Tennessee, nearly opposite the mouth of Lookout Mountain Creek. Subsequently[3] he held a further conference with the Cherokees and endeavored to foster hostilities between them and the Creeks by urging the organization of a company of their young warriors to patrol the frontiers of Mero District for its protection against incursions of the Creeks. To this the leading Cherokee chiefs refused assent, not because of any objection to the proposition, but because they desired time for preparation.

INTERCOURSE ACT OF 1796.

Early in the following year[4] President Washington, in an emphatic message, laid before Congress a communication from Governor Blount

[1] American State Papers, Indian Affairs, Vol. I, p. 543.

[2] American State Papers, Indian Affairs, Vol. I, p. 536.

[3] January 3, 1795. See American State Papers, Indian Affairs, Vol. I, p. 536.

[4] February 2, 1796. See American State Papers, Indian Affairs, Vol. I, p. 584.

setting forth the determination of a large combination of persons to take possession of certain Indian lands south and southwest of the Cumberland, under the pretended authority of certain acts of the legislature of North Carolina, passed some years previous, for the relief of her officers and soldiers of the Continental line.

In view of the injustice of such intrusions and the mischievous consequences which would of necessity result therefrom, the President recommended that effective provision should be made to prevent them.

This eventuated in the passage of the act of Congress, approved May 19, 1796,[1] providing for the government of intercourse between citizens of the United States and the various Indian tribes.

TREATY CONCLUDED OCTOBER 2, 1798.[2]

Held near Tellico, in the Cherokee Council House between George Walton and Lieut. Col. Thomas Butler, commissioners on behalf of the United States, and the chiefs and warriors of the Cherokee Nation.

MATERIAL PROVISIONS.

Owing to misunderstandings and consequent delay in running the boundary line prescribed by the treaties of 1791 and 1794, and the ignorant encroachment of settlers on the Indian lands within the limits of such boundaries before their survey, it became desirable that the Indians should cede more land. The following treaty was therefore concluded:

1. Peace and friendship are renewed and declared perpetual.
2. Previous treaties acknowledged to be of binding force.
3. Boundaries of the Cherokees to remain the same where not altered by this treaty.
4. The Cherokees cede to the United States all lands within the following points and lines, viz: From a point on the Tennessee River, below Tellico Block House, called the Wild Cat Rock, in a direct line to the Militia Spring near the Maryville road leading from Tellico. From the said spring to the Chill-howie Mountain by a line so to be run as will leave all the farms on Nine Mile Creek to the northward and eastward of it, and to be continued along Chill-howie Mountain until it strikes Hawkins's line. Thence along said line to the Great Iron Mountain, and from the top of which a line to be continued in a southeastwardly course to where the most southwardly branch of Little River crosses the divisional line to Tuggaloe River. From the place of beginning, the Wild Cat Rock, down the northeast margin of the Tennessee River (not including islands) to a point one mile above the junction of that river with

[1] United States Statutes at Large, Vol. I, p. 496.
[2] United States Statutes at Large, Vol. VII, p. 62.

the Clinch, and from thence by a line to be drawn in a right angle until it intersects Hawkins's line leading from Clinch. Thence down the said line to the river Clinch; thence up the said river to its junction with Emmery's River; thence up Emmery's River to the foot of Cumberland Mountain. From thence a line to be drawn northeastwardly along the foot of the mountain until it intersects with Campbell's line.

5. Two commissioners to be appointed (one by the United States and one by the Cherokees) to superintend the running and marking of the line, immediately upon signing of the treaty, and three maps to be made after survey for use of the War Department, the State of Tennessee, and the Cherokee Nation respectively.

6. Upon signing the treaty the Cherokees to receive $5,000 cash and an annuity of $1,000, and the United States to guarantee them the remainder of their country forever.

7. The United States to have free use of the Kentucky road running between Cumberland Mountain and river, in consideration of which the Cherokees are permitted to hunt on ceded lands.

8. Notice to be given the Cherokees of the time for delivering annual stipends.

9. Horses stolen by either whites or Indians to be paid for at $60 each (if by a white man, in cash; if by an Indian, to be deducted from annuity). All depredations prior to the beginning of these negotiations to be forgotten.

10. The Cherokees agree that the United States agent shall have sufficient ground for his temporary use while residing among them. This treaty to be binding and carried into effect by both sides when ratified by the Senate and President of the United States.

HISTORICAL DATA.

DISPUTES RESPECTING TERRITORY.

In the year 1797 the legislature of the State of Tennessee addressed a memorial and remonstrance to Congress upon the subject of the Indian title to lands within that State. The burden of this complaint was the assertion that the Indian title was at best nothing greater than a tenancy at will; that the lands they occupied within the limits of the State had been granted by the State of North Carolina, before the admission of Tennessee to the Union, to her officers and soldiers of the Continental line, and for other purposes; that the treaties entered into with the Cherokees by the United States, guaranteeing them the exclusive possession of these lands, were subversive of State as well as individual vested rights, and praying that provision be made by law for the extinguishment of the Indian claim.[1]

This was communicated to Congress by the President. Mr. Pinckney,

[1] This address and remonstrance will be found in full in American State Papers, Indian Affairs, Vol. I, page 625.

from the committee of the House of Representatives to which the matter was referred, submitted a report,[1] accompanied by a resolution making an appropriation for the relief of such citizens of the State of Tennessee as had a right to lands within that State, by virtue of the cession out of the State of North Carolina, provided they had made actual settlement thereon and had been deprived of the possession thereof by the operation of the act of May 19, 1796, for regulating intercourse with the Indian tribes. The sum to be appropriated, it was declared, should be subject to the order of the President of the United States, to be expended under his direction, either in extinguishing the Indian claim to the lands in question, by holding a treaty for that purpose, or to be disposed of in such other manner as he should deem best calculated to afford the persons described a temporary relief.

New treaty.—The House of Representatives, on considering the subject, passed a resolution directing the Secretary of War to lay before them such information as he possessed relative to the running of a line of experiment from Clinch River to Chilhowie Mountain by order of Governor Blount, to which the Secretary responded on the 5th of January, 1798.[2]

Following this, on the 8th of the same month, President Adams communicated a message to the Senate, setting forth that the situation of affairs between some of the citizens of the United States and the Cherokees had evinced the propriety of holding a treaty with that nation, to extinguish by purchase their right to certain parcels of land and to adjust and settle other points relative to the safety and convenience of the citizens of the United States. With this view he nominated Fisher Ames, of Massachusetts, Bushrod Washington, of Virginia, and Alfred Moore, of North Carolina, to be commissioners, having authority to hold conferences and conclude a treaty with the Cherokees for the purposes indicated.[3]

The Senate concurred in the advisability of the proposed treaty, but Fisher Ames and Bushrod Washington having declined, George Walton and John Steele were associated with Mr. Moore, and detailed instructions were given for their guidance.[4]

By these instructions they were vested jointly and severally with full powers to negotiate and conclude a treaty with the Cherokees, limited only by the scope of the instructions themselves. The Cherokee agent had already been directed to notify the Indians and the commandant of United States troops in Tennessee to furnish an escort sufficient for the protection of the negotiations.

Further purchase of Cherokee lands proposed.—The commissioners were directed as a primary consideration to secure, if possible, the consent

[1] December 20, 1797.

[2] American State Papers, Indian Affairs, Vol. I, p. 629.

[3] American State Papers, Indian Affairs, Vol. I, p. 631.

[4] These instructions were dated March 2, 1798. See American State Papers, Indian Affairs, Vol. I, p. 639

of the Cherokees to the sale of such part of their lands as would give a more convenient form to the State of Tennessee and conduce to the protection of its citizens. Especially was it desirable to obtain their consent to the immediate return of such settlers as had intruded on their lands and in consequence had been removed by the United States troops, such consent to be predicated on the theory that the Cherokees were willing to treat for the sale to the United States of the lands upon which these people had settled. They were directed to renew the unsuccessful effort made by Governor Blount in 1791 to secure the consent of the Cherokees that the boundary should begin at the mouth of Duck River and run up the middle of that stream to its source and thence by a line drawn to the mouth of Clinch River. The following alternative boundary propositions were directed to be submitted for the consideration of the Indians, in their numerical order, viz:

1. A line (represented on an accompanying map by a red dotted line) from a point on the ridge dividing the waters of the Cumberland from the Tennessee River, in a southwest direction, until it should strike the mouth of Duck River; thence from the mouth to the main source of the river; thence by a line over the highest ridges of the Cumberland Mountains to the mouth of Clinch River; thence down the middle of the Tennessee River till it struck the divisional line under the treaties of 1791 and 1794; thence along said line to its crossing of the Cunchee Creek running into Tuckasegee; thence to the Great Iron Mountains; thence a southeasterly course to where the most southerly branch of Little River crossed the divisional line to Tugaloo River.

2. A line (represented on said map by a double red line) beginning at the point 40 miles above Nashville, as ascertained by the commissioners (and laid down on said map); thence due east till it struck the dotted line on Cumberland Mountains; along said mountains to the junction of Clinch and Tennessee Rivers; and down the Tennessee to the extent of the boundary described in the first proposition.

3. A line (dotted blue) beginning at a point 56 miles from the point 40 miles above Nashville, on the northeast divisional line, being 1½ miles south of the road called Walton's or Caney Fork road; thence on a course at the same distance from the said road to where it crosses Clinch River; thence resuming the remaining boundary as described in the first proposition.

4. A line (being a double blue line on the map) beginning at a point one mile south of the junction of the Clinch and Tennessee Rivers; thence westerly along the course of the road 1½ miles south thereof until it entered into Cumberland Mountains; thence a northeasterly course along the ridges of said mountains on the west of Powell's Valley and River to the source of the river next above Clear Fork, and thence down the middle of the same to the northeast divisional line; the Tennessee River and the further line thence, as described in the first proposition, to be the remaining boundary.

In case the Indians should accept the first proposition and cede the tract therein described, or a greater quantity, the commissioners were to solemnly guarantee the Cherokees the remainder of their country and agree to their payment by the United States of either an annuity of $4,000, or to deliver them, on the signing of the treaty, goods to the amount of $5,000 and the further sum of $20,000 in four equal annual installments.

Refusing the first and accepting the second proposition, they were to receive the same guarantee, and an annuity of $3,000, or $5,000 at once in goods and $15,000 in three equal annual installments.

Refusing the first and second and accepting the third proposition, the same guarantee was offered and an annuity of $2,000, or $5,000 in goods on signing the treaty and $10,000 in two equal annual installments.

Accepting the fourth proposition, to the exclusion of the other three, the same guarantee was to be given, together with an annuity of $1,000, or $5,000 in goods on signing the treaty and the same amount during the year 1799.

It was also represented by the Secretary of War that the arts and practices used to obtain Indian land in defiance of treaties and the laws, at the risk of involving the whole country in war, had become so daring, and received such countenance from persons of prominent influence, as to render it necessary that the means to countervail them should be augmented. To this end, as well as to more effectually secure to the United States the advantages of the land which should be obtained by the treaty, the commissioners were instructed to secure the insertion into the treaty of provisions of the following import:

1. That the new line should be run and marked by two commissioners, one of whom should be appointed by the treaty commissioners and the other by the Indians. They should proceed immediately upon the signing of the treaty to the execution of that duty, upon the completion of which three maps thereof should be prepared, one for the use of the Secretary of War, one for the executive of the State of Tennessee, and one for the Cherokees.

2. That the Cherokees should at all times permit the President of the United States to employ military force within their boundaries for the arrest and removal of all persons seeking to make unauthorized negotiations with or to incite their hostility toward the United States or any of its citizens, or toward any foreign nation or Indian nation or tribe within the limits and under the protection of the United States; also, of all persons who should settle on or who should attempt to reside in the Indian country without the written permission of the President.

3. That the treaty should not be construed either to affect the right or title of any ejected settler upon the Indian lands to the tract heretofore occupied by him or in any manner to enlarge his right or claim

thereto; and that all Indian land purchased by the contemplated treaty, which had not been actually occupied as aforesaid, should remain subject to the operation of all the provisions of the proposed as well as any former treaty and of the laws of the United States relative to Indian country, until such time as said lands should be sold by and under the authority of the United States. This provision was intended to prevent any further intrusion on any part of the land ceded by the State of North Carolina to the United States; as also upon the land set apart to the Cherokee Indians by the State of North Carolina, by act of her legislature, passed May 17, 1783, described as follows, viz: "Beginning on the Tennessee, where the southern boundary of this State intersects the same, nearest to the Chicamauga towns; thence up the middle of the Tennessee and Holston to the middle of French Broad; thence up the middle of French Broad River (which lines are not to include any island or islands in the said river) to the mouth of Big Pigeon River; thence up the same to the head thereof; thence along the dividing ridge, between the waters of Pigeon River and Tuckasege River, to the southern boundary of this State."

4. The United States should have the right to establish such military posts and garrisons within the Indian limits for their protection as should be deemed proper. In case it should be found impracticable to obtain Duck River or a line that should include within it the road leading from Southwest Point to Cumberland River for a boundary, the commissioners were to stipulate for certain parcels of land lying on such road at convenient distances from each other for the establishment of houses of entertainment for travelers. Also in case the cession obtained should not include both sides of the ferry on Clinch River, to secure a limitation upon the rates of toll that should be charged by the occupant.

The commissioners repaired to Knoxville, where they ascertained it to be the desire of the Indians that the treaty negotiations should be held at Oostenaula, the Cherokee capital.

To this the commissioners objected, but agreed to meet the Indians at Chota, which they concluded to change to Tuckasege, and, finally, before the date fixed for the meeting, June 25, again changed it to Tellico, where the conference was held.[1]

Tennessee commissioners attend the council.—In the mean time[2] Governor Sevier of Tennessee designated General Robertson, James Stuart, and Lachlan McIntosh as agents to represent the interests of that State at the treaty, and gave them minute instructions covering the following points,[3] viz:

1. To obtain as wide an extinguishment of the Cherokee claim north of the Tennessee River as possible.

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[1] Ramsey's Annals of Tennessee, pp. 693, 695.

[2] June 20, 1798.

[3] Ramsey's Annals of Tennessee, pp. 693, 695.

2. An unimpeded communication of Holston and Clinch Rivers with the Tennessee and the surrender of the west bank of the Clinch opposite South-West Point.

3. To secure from future molestation the settlements as far as they had progressed on the northern and western borders of the State and the connection of Hamilton and Mero districts, then separated by a space of unextinguished hunting ground 80 miles wide.

4. To examine into the nature and validity of the claim recently set up by the Cherokees to lands north of the Tennessee River; whether it rested upon original right or was derived from treaties; or was founded only upon temporary use or occupancy.

The council opened early in July. The "Bloody Fellow," a Cherokee chief, at the outset delivered a paper which he stated to contain their final resolutions, and which covered a peremptory refusal to sell any land or to permit the ejected settlers to return to their homes. After seeking in vain to shake this determination of the Cherokees, further negotiations were postponed until the ensuing fall, and the commissioners departed.

On the 27th of August, the Secretary of War addressed some additional instructions upon the subject to George Walton and Lieut. Col. Thomas Butler as commissioners (John Steele having resigned and Alfred Moore having returned to his home in North Carolina), authorizing them to renew the negotiations. The original instructions were to form the basis of these negotiations, but if it should be found impracticable to induce the Indians to accede to either of the first three propositions, an abandonment of them was to take place, and resort was to be had to the fourth proposition, which might be altered in any manner as to boundaries calculated to secure the most advantageous results to the United States.[1] The council was resumed at Tellico on the 20th of September, but it was found, during the progress thereof, that there was no possibility of effecting the primary objects of the State agents of Tennessee. General Robertson failed to attend. General White (who had been appointed in the place of Stuart) was there, but Mr. McIntosh resigned and Governor Sevier himself attended in person.

The treaty was finally concluded on the 2d of October, by which a cession was secured covering most of the territory contemplated by the fourth proposition, with something additional. It included most if not all the lands from which settlers had been ejected by the United States troops, and they were permitted to return to their homes.

The road privilege sought to be obtained between East and Middle Tennessee was also realized, except as to the establishment of houses of entertainment for travelers.[2]

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[1] American State Papers, Indian Affairs, Vol. I, p. 640.

[2] By act of September 27, 1794, the legislature of the territory southwest of the Ohio authorized the raising of a fund for cutting and clearing a wagon road from Southwest Point to Bledsoe's Lick on the Cumberland. The funds for this pur-

President Adams transmitted the treaty to the Senate,[1] and that body advised and consented to its ratification.

Boundary lines surveyed.—In fulfillment of the provisions of the fifth article of the treaty concerning the survey of boundary lines, the President appointed Captain Butler as a commissioner to run that portion of the line described as extending from Great Iron Mountain in a southeasterly direction to the point where the most southerly branch of Little River crossed the divisional line to Tugaloo River, which trust he executed in the summer of 1799.[2] Owing to the unfortunate destruction of official records by fire, in the year 1800, it is impossible to ascertain all the details concerning this survey, but it was executed on the theory that the "Little River" named in the treaty was one of the northernmost branches of Keowee River.

This survey seems not to have been accepted by the War Department, for on the 3d of June, 1802, instructions were issued by the Secretary of War to Return J. Meigs, as a commissioner, to superintend the execution of the survey of this same portion of the boundary. Mr. Thomas Freeman was appointed surveyor.[3]

From the letter of Commissioner Meigs, transmitting the plat and field notes of survey,[4] it appears that much difference of opinion had existed as to what stream was meant by the "Little River" named in the treaty, there being three streams of that name in that vicinity. Two of these were branches of the French Broad and the other of Keowee River. If the line should be run to the lower one of these two branches of the French Broad, it would leave more than one hundred families of white settlers within the Indian territory. If it were run to the branch of Keowee River, it would leave ten or twelve Indian villages within the State of North Carolina.

It was therefore determined by Commissioner Meigs to accept the upper branch of French Broad as the true intent and meaning of the treaty, and the line was run accordingly, whereby not a single white settlement was cut off or intersected, and but five Indian families were left on the Carolina side of the line.[5]

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pose were to be raised by a lottery managed by Cols. James White, James Winchester, Stockley Donelson, David Campbell, William Cocke, and Robert Hayes. The Indians not having granted the necessary right of way, its construction was necessarily postponed, but subsequently, by act of the legislature of Tennessee passed November 14, 1801, the Cumberland Road Company was incorporated and required to cut and clear a road from the Indian boundary on the east side of Cumberland Mountain to the fork of the roads leading to Fort Blount and Walton's Ferry.

[1] January 15, 1799.

[2] See letter of General Pickens to Representative Nott, of South Carolina, January 1, 1809. American State Papers, Public Lands, Vol. I, p. 103.

[3] Letter of Secretary of War to Return J. Meigs, in Indian Office records.

[4] Dated October 20, 1802.

[5] Commissioner Meigs mentions that the accompanying plat and field notes of Mr. Freeman, the surveyor, will give more abundant details regarding this survey. After a careful search, however, no trace has been found among the Indian Office records

Status of certain territory.—In this connection it is pertinent to remark that the State of North Carolina claimed for her southern boundary the thirty-fifth degree of north latitude.

The line of this parallel was, however, at that time supposed to run about 12 miles to the north of what was subsequently ascertained to be its true location.

Between this supposed line of 35° north latitude and the northernmost boundary of Georgia, as settled upon by a convention between that State and South Carolina in 1787, there intervened a tract of country of about 12 miles in width, from north to south, and extending from east to west, from the top of the main ridge of mountains which divides the eastern from the western waters to the Mississippi River. This tract remained, as was supposed, within the chartered limits of South Carolina, and in the year 1787 was ceded by that State to the United States, subject to the Indian right of occupancy. When the Indian title to the country therein described was ceded to the United States by the treaty of 1798 with the Cherokees, the eastern portion of this 12-mile tract fell within the limits of such cession.

On its eastern extremity near the head-waters of the French Broad River, immediately at the foot of the main Blue Ridge Mountains, had been located, for a number of years prior to the treaty, a settlement of about fifty families of whites, who by its ratification became occupants of the public domain of the United States, but who were outside the territorial jurisdiction of any State. These settlers petitioned Congress to retrocede the tract of country upon which they resided to South Carolina, in order that they might be brought within the protection of the laws of that State.[1] A resolution was reported in the House of Representatives, from the committee to whom the subject had been referred, favoring such a course,[2] but Congress took no effective action on the subject, and when the State boundaries came to be finally adjusted in that re-

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and files of the plat and field notes in question. There is much difficulty in ascertaining the exact point of departure of "Meigs Line" from Great Iron Mountains. In the report of the Tennessee and North Carolina boundary commissioners in 1821 it is stated to be 31½ miles by the course of the mountain ridge in a general southwesterly course from the crossing of Cataluche Turnpike; 9½ miles in a similar direction from Porter's Gap; 21½ miles in a northeasterly direction from the crossing of Equovetley Path, and 33½ miles in a like course from the crossing of Tennessee River. All of these courses and distances follow the crest of the Great Iron Mountains. It is stated to the author, by General R. N. Hood, of Knoxville, Tenn., that there is a tradition that "Meigs Post" was found some years since about 1½ miles southwest of Indian Gap. A map of the survey of Qualla Boundary, by M. S. Temple, in 1876, shows a portion of the continuation of "Meigs Line" as passing about 1½ miles east of Quallatown. Surveyor Temple mentions it as running "S. 50° E. (formerly S. 52½° E.")

[1] See memorial of Matthew Patterson and others, dated "French Broad, 8th January, 1800," printed in American State Papers, Public Lands, Vol. I, p. 104.

[2] This resolution was reported by Mr. Harper, from the committee to whom it was referred, to the House of Representatives, April 7, 1800, and is printed in American State Papers, Public Lands, Vol. I, p. 103.

gion the tract in question was found to be within the limits of North Carolina.

Yellow Creek settlement.—After that portion of the boundary of the country ceded by the treaty of 1798 which extended along the foot of Cumberland Mountain until it intersected "Campbell's Line" had been surveyed, complaint was made by certain settlers on Yellow Creek that by the action of the surveyors in not prolonging the line to its true point of termination, their homes had been left within the Indian country.

Thereupon the Secretary of War instructed Agent Meigs[1] to go in person and examine the line as surveyed with a view to ascertaining the truth concerning the complaints.

It was ascertained that the "point" of Campbell's Line was not on Cumberland Mountain proper, but on the ridge immediately east thereof, known as Poor Valley Ridge. This ridge is nearly as lofty as the main range, and Colonel Campbell, in approaching it from the east, had mistaken it for that range and established his terminal point accordingly. The surveyors under the treaty of 1798, assuming the correctness of Colonel Campbell's survey, had made the line of their survey close thereon. By such action the Indian boundary in that locality was extended 332 poles further to the east than would have been the case had the true reading of the treaty been followed.

A number of families of settlers on Yellow Creek, together with a tract of about 2,500 acres of land, were thus unfortunately left within the Indian country. All efforts of Agent Meigs to secure a relinquishment of this strip of territory from the Indians were, however, ineffectual.[2]

TREATY CONCLUDED OCTOBER 24, 1804; PROCLAIMED MAY 17, 1824.[3]

Held at "Tellico Block House," Tennessee, between Daniel Smith and Return J. Meigs, commissioners on the part of the United States, and the principal chiefs representing the Cherokee Nation.

MATERIAL PROVISIONS.

It is agreed and stipulated that—

1. The Cherokee Nation relinquish and cede to the United States a tract of land bounding southerly on the boundary line between the State of Georgia and the Cherokee Nation, beginning at a point on the said boundary line northeasterly of the most northeast plantation in the settlement known by the name of Wafford's Settlement, and running at right angles with the said boundary line 4 miles into the Cherokee land, thence at right angles southwesterly and parallel to the first mentioned boundary line so far as that a line to be run at right angles southerly to

[1] February 7, 1803. See Indian Office records.

[2] See report of Agent Return J. Meigs to the Secretary of War, May 5, 1803, on file in the Office of Indian Affairs.

[3] United States Statutes at Large, Vol. VII, p. 228.

the said first mentioned boundary line shall include in this cession all the plantations in Wafford's Settlement, so called, as aforesaid.

2. In consideration of this cession the United States agree to pay the Cherokees $5,000, in goods or cash, upon the signing of the treaty, and an annuity of $1,000.

HISTORICAL DATA.

NEW TREATY AUTHORIZED BY CONGRESS.

Congress, under date of February 19, 1799,[1] appropriated $25,000 to defray the expense of negotiating a treaty or treaties with the Indians, and again, on the 13th of May, 1800,[2] appropriated $15,000 to defray the expense of holding a treaty or treaties with the Indian tribes southwest of the Ohio River, with the proviso that nothing in the act should be construed to admit an obligation on the part of the United States to extinguish for the benefit of any State or individual the Indian claim to any lands lying within the limits of the United States.

Pursuant to the authority conferred by these enactments, President Jefferson appointed[3] General James Wilkinson, Wm. R. Davie, and Benj. Hawkins as commissioners, and they were instructed by the Secretary of War to proceed to negotiate treaties with the Cherokees, Creeks, Choctaws, and Chickasaws.

Objects of the treaty.—The objects sought to be attained with the Cherokees were to secure their consent, 1st. To cede to the United States all that portion of their territory lying to the northward of a direct line to be run from a point mentioned in treaty of October 2, 1798, on Tennessee River, 1 mile above its junction with the Clinch, to the point at or near the head of the West Fork of Stone's River, on the ridge dividing the waters of the Cumberland and Duck Rivers which is struck by a southwest line from the point where the Kentucky road crosses Cumberland River, as described in the treaty of Holston.

2. That the Tennessee River should be the boundary from its mouth to the mouth of Duck River; that Duck River should be the boundary thence to the mouth of Rock Creek; and that a direct line should be run for a continuation of the boundary from the mouth of Rock Creek to the point on the ridge that divides the waters of Cumberland from Duck River.

3. That a road should be opened from the boundary line to a circular tract on Tennessee River at the mouth of Bear River, reserved to the United States by treaty of 1786 with the Chickasaws. From this point the road should continue until it reached the Choctaw territory, where it was to connect with a road through the country of the latter to

[1] United States Statutes at Large, Vol. I, p. 618.

[2] United States Statutes at Large, Vol. II, p. 82.

[3] The President's appointment of these commissioners bore date of June 18, 1801.

Natchez. The entire line of this road must be open to the free use of citizens of the United States.

4. In case the Indians should refuse to cede any of the lands designated, the commissioners were instructed to obtain, if possible, a cession of all the land lying northward of the road leading from Knoxville to the Nashville settlements, run conformably to the treaty of 1791. If they should be unwilling to grant this, then to ask for a strip of land from 1 to 5 miles in width, to include the said road in its whole extent across their lands. Whether success or failure should attend the first or second objects of their mission, the commissioners were to seek the consummation of the third proposition for a road to the Bear Creek reservation, which would otherwise be of no practical value to the United States.

If consent was obtained to the first three proposals or to the alternative marked 4th, an annuity of $1,000 was authorized and an immediate sum not exceeding $5,000 in cash or goods. If, as had been represented to the War Department, the Cherokees and Chickasaws both claimed the land on either side of Tennessee River for a considerable distance, the commissioners were instructed that they must obtain the assent of both tribes to the opening of the road.

Six days after the issuance of these instructions, a delegation of Cherokees, headed by Chief "Glass," arrived in Washington, and obtained an interview with the Secretary of War.[1] They represented that the promise had been made them, at the treaty of 1798, that they would never be asked to cede any more land. Now they learned that the United States was about to hold another treaty with them to secure further cessions. They also desired to know whether the United States or the settlers got the land theretofore ceded, and why they had not been furnished with the map showing the boundary lines by the treaty of 1798, as had been promised them. In his reply,[2] after seeing the President, the Secretary of war informed them that no desire existed to purchase any more land from them unless they were anxious to sell; that the map should be at once furnished them; that the States of Kentucky and Tennessee had been formed out of the lands already purchased from them, and the main object of the proposed treaty with their nation was to secure the right of way for roads through their country in order to maintain communication between detached white settlements.

The delegation strenuously objected to the proposed "Georgia" road and were informed that the matter would not be pressed, but that the road to Bear River and Natchez was a necessity.

As a result of the visit of this delegation, the instructions to Messrs. Wilkinson, Davie, and Hawkins were modified,[2] it being stated by the

[1] This interview occurred, as shown by the Indian Office records, on the 30th of June, 1801, and was adjourned to meet again on the 3d of July.

[2] July 3, 1801. See Indian Office records.

Secretary of War that he had been mistaken as to part of the line between the United States and the Cherokees. He therefore directed that the second object of their instructions should be suspended as regarded both the Cherokees and the Chickasaws. Commissioner Davie having declined his appointment, General Andrew Pickens was substituted in his stead.[1]

Failure of negotiations.—It is only necessary to observe that the commissioners failed in the accomplishment of any of their designs with the Cherokees.

WAFFORD'S SETTLEMENT.

Prior to the survey and marking of the boundary line near Currahee Mountain in Georgia, provided for by the Cherokee treaty of 1785 and the Creek treaty of 1790, which survey did not occur until 1798, one Colonel Wafford, in company with sundry other persons, had formed a settlement in that vicinity, which proved to be within the limits of the Indian country.

Inasmuch as it was supposed these parties had ignorantly placed themselves within the Indian line and had made considerable and valuable improvements, the Government was indisposed to use harsh or forcible means for their ejection, but rather approved of the urgent appeals from Colonel Wafford and his neighbors to make an effort to secure the relinquishment from the Indians of a tract sufficient to embrace their settlement.

The Government had been laboring under the impression that these lands belonged to the Creeks, but the delegation of the Cherokees, headed by "The Glass," who visited Washington in the summer of 1801, claimed them as Cherokee territory, and asked for the removal of the settlers. Commissioners Wilkinson, Hawkins, and Pickens had been instructed[2] to negotiate with the Creeks for the purchase of this tract, but they having reported, upon examination, that the title was undoubtedly in the Cherokees, were directed[3] to report upon the expediency of applying to the Cherokees for a cession of the same.

Such an application having at this time been unfavorably received by the Cherokees, nothing further was done in the matter until the winter of 1803,[4] when the Secretary of War directed a conference to be held with them for the double purpose of securing a cession or a lease for seven years of the "Wafford Settlement" tract and the Indian consent to a right of way for a road through their country from Southwest Point or Tellico Factory to Athens, Ga., with the establishment of the necessary houses of entertainment for travelers along such route. For this latter concession he was authorized to offer them the sum of $500. The

[1] July 16, 1801. See Indian Office records.
[2] July 17, 1801. See Indian Office records.
[3] June 10, 1802. See Indian Office records.
[4] February 19, 1803. See Indian Office records.

Cherokees having refused both these propositions, Agent Meigs was directed[1] to secure the granting of the road privilege, if possible, by offering Vann[2] and other men of influence among them a proper inducement to enlist their active co-operation in the matter. This latter method seems to have been effective, for later in the season[3] the Secretary of War transmitted to the governors of Georgia and Tennessee an extract from an agreement entered into with the Cherokees providing for an opening of the desired road, stating that, as the United States had no funds applicable to the laying out and construction of such a road, it would be proper for the legislatures of those States to make the necessary provision therefor.

The clamor for more land by the constant tide of immigration that was flowing into Kentucky, Tennessee, and Georgia from the North and East became more and more importunate. The desire to settle on Indian land was as potent and insatiable with the average border settler then as it is now.

FURTHER NEGOTIATIONS AUTHORIZED.

Notwithstanding the recent and oft-repeated refusals of the Cherokees to part with more land, a new commission, consisting of Return J. Meigs and Daniel Smith, was appointed and instructed[4] by the Secretary of War to negotiate a treaty for the cession of lands in Kentucky, Tennessee, or Georgia, and particularly of the tract near the Currahee Mountain, including the Wafford settlement.

They were authorized to pay for the first cession a sum not exceeding $14,000, coupled with an annuity of $3,000, and for the "Wafford tract" not exceeding $5,000, together with an annuity of $1,000, and were directed to give "Vann," a Cherokee chief, $200 or $300 to secure his influence in favor of the proposed purchase.

Purchase of Wafford settlement tract.—In pursuance of these instructions a conference was held with the Cherokees at Tellico, Tenn.,[5] at which they concluded the arrangements for the cession of the Wafford tract, but failed in their further objects. The treaty was signed on the 24th of October, and transmitted to the Secretary of War a week later,[6] two persons having been appointed to designate and run the

[1] May 30, 1803.

[2] "Vann" was a half-breed of considerable ability and shrewdness, and was at this time perhaps the most influential chief among the Cherokees. His home was on the route of the proposed Georgia road, and when the road was constructed he opened a store and house of entertainment for travelers, from which he derived a considerable income.

[3] Letter of Secretary of War to governors of Georgia and Tennessee, dated November 21, 1803.

[4] April 4, 1804.

[5] October 10, 1804. See letter of Daniel Smith to Secretary of War, October 31, 1804.

[6] October 31, 1804.

lines of the ceded tract, which was found to be 23 miles and 64 chains in length and 4 miles in width.[1]

Singular disappearance of treaty.—No action having been taken looking toward the ratification of this treaty for several years ensuing, Return J. Meigs, in the winter of 1811,[2] addressed a letter to the Secretary of War calling attention to it, setting forth the fact that its consideration had theretofore been postponed on account of a misunderstanding in relation to the limits of the ceded tract, but that the Cherokees had now of their own motion, and at their own expense, had a survey made of 10 miles and 12 chains in length in addition to the original survey, which would make the tract ceded 33 miles and 76 chains in length, and which would include the plantation of every settler who could make the shadow of a claim to settlement prior to the survey of the general boundary line run in 1797[3] by Colonel Hawkins. He therefore concluded that there could be no reason for further postponing the ratification of the treaty, and urged that it be done without delay.

Notwithstanding this letter of Agent Meigs no further notice seems to have been taken of the treaty, and it had been entirely lost sight of until attention was again called to it by a Cherokee delegation visiting Washington early in 1824, nearly twenty years after its conclusion.[4]

After diligent search among the records of the War Department, Secretary Calhoun reported[5] that no such treaty could be found and no evidence that any such treaty had ever been concluded. Whereupon the Cherokee delegation produced their duplicate copy of the treaty together with other papers relating to it. The Secretary of War, after receiving a reply[6] to a letter addressed by him to Colonel McKee, of the House of Representatives (who was one of the subscribing witnesses to the treaty), became satisfied of its authenticity, and the President thereupon[7] transmitted the Cherokee duplicate to the Senate, which body advised and consented to its ratification. It was duly proclaimed by the President on the 17th of May, 1824.[8]

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[1] Commissioner Smith in his letter of October 31, 1804, to the Secretary of War, states that two persons on the part of the United States, to be accompanied by two Cherokee chiefs, had been designated to run the boundaries of this cession. The propriety was then urged on the Cherokees by the commissioners of making a cession of the lands lying between East and West Tennessee. Several days were consumed in urging this proposal, and a majority of the chiefs were probably in favor of it, but Commissioner Smith remarks that a majority, unless it amounts almost to unanimity, is not considered with them sufficient to determine in matters of great interest, particularly in making cessions of lands.

[2] December 20, 1811.

[3] It is stated in a resolution of the Georgia legislature, passed June 16, 1802, that this line was surveyed by Colonel Hawkins in 1798.

[4] The letter of the Cherokee delegation calling attention to this matter is dated January 19, 1824.

[5] February 6, 1824.

[6] April 15, 1824.

[7] April 30, 1824.

[8] United States Statutes at Large, Vol. VII, p. 228.

TREATY CONCLUDED OCTOBER 25, 1805; PROCLAIMED APRIL 24, 1806.[1]

Held at Tellico, Tenn., between Return J. Meigs and Daniel Smith, commissioners on behalf of the United States, and certain chiefs and headmen of the Cherokees, representing that nation.

MATERIAL PROVISIONS.

1. All former treaties providing for peace and prevention of crimes are continued in force.

2. The Cherokees cede to the United States all the land which they have heretofore claimed lying to the north of the following boundary line: Beginning at the mouth of Duck River; thence up the main stream of the same to the junction of the fork at the head of which Fort Nash stood, with the main south fork; thence a direct course to a point on the Tennessee River bank opposite the mouth of Hiwassa River. If the line from Hiwassa should leave out Field's settlement, it is to be marked around his improvement and then continued the straight course; thence up the middle of the Tennessee River (but leaving all the islands to the Cherokees) to the mouth of Clinch River; thence up the Clinch River to the former boundary line agreed upon with the said Cherokees, reserving at the same time to the use of the Cherokees a small tract lying at and below the mouth of Clinch River; from the mouth extending thence down the Tennessee River from the mouth of Clinch to a notable rock on the north bank of the Tennessee in view from Southwest Point; thence a course at right angles with the river to the Cumberland road; thence eastwardly along the same to the bank of Clinch River, so as to secure the ferry landing to the Cherokees up to the first hill and down the same to the mouth thereof, together with two other sections of one square mile each, one of which is at the foot of Cumberland Mountain, at and near the place where the turnpike gate now stands, the other on the north bank of the Tennessee River where the Cherokee Talootiske now lives. And whereas from the present cession made by the Cherokees, and other circumstances, the sites of the garrisons at Southwest Point and Tellico are become not the most convenient and suitable places for the accommodation of the said Indians, it may become expedient to remove the said garrisons and factory to some more suitable place; three other square miles are reserved for the particular disposal of the United States on the north bank of the Tennessee opposite to and below the mouth of Hiwassa.

3. In consideration of the foregoing cession the United States agree to pay $3,000 at once in merchandise, $11,000 in 90 days, and an annuity of $3,000.

4. The United States to have the use of two roads through the Cherokee country, one from the head of Stone's River to Georgia road, and

[1] United States Statutes at Large, Vol. VII, p. 93.

the other from Franklin to the Tombigbee settlements, crossing the Tennessee River at Muscle Shoals.

5. Treaty to take effect upon ratification by the President by and with the advice and consent of the Senate.

TREATY CONCLUDED OCTOBER 27, 1805; PROCLAIMED JUNE 10, 1806.[1]

Held at Tellico, Tenn., between Return J. Meigs and Daniel Smith, commissioners on behalf of the United States, and certain chiefs and headmen of the Cherokees, representing that nation.

MATERIAL PROVISIONS.

1. The Cherokees cede the section of land at Southwest Point, extending to Kingston, reserving the ferries and the first island in Tennessee River above the mouth of Clinch River.

2. The Cherokees consent to the free and unmolested use by the United States of the mail road from Tellico to Tombigbee so far as it passes through their country.

3. In consideration of the foregoing the United States agree to pay the Cherokees $1,600 within 90 days.

4. Treaty to be obligatory on ratification by the President by and with the advice and consent of the Senate.

HISTORICAL DATA RESPECTING BOTH TREATIES.

CONTINUED NEGOTIATIONS AUTHORIZED.

The commissioners (Return J. Meigs and Daniel Smith) who were appointed and instructed under date of April 4, 1804, and who negotiated the treaty of October 24, 1804, with the Cherokees, it will be remembered, failed in the object of their instructions, except as to the single matter of securing the cession of a tract covering the settlement of Colonel Wafford and others near Currahee Mountain. They were, however, directed to continue their negotiations from time to time until the full measure of their original instructions should be secured.

Treaties of October 25 and 27, 1805, considered together.—This course was pursued, and after several fruitless conferences the commissioners succeeded in concluding the treaties of October 25, 1805, and October 27, 1805. Inasmuch as these two treaties were negotiated by the same commissioners, acting under the same instructions and at the same conference, they will be considered together. The treaties were upon their conclusion transmitted to the Secretary of War,[2] and, upon submission to the Senate, that body duly advised and consented to their ratification. They were ratified and proclaimed by the President on the 24th of April and 10th of June, 1806, respectively.[3]

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[1] United States Statutes at Large, Vol. VII, p. 95.

[2] November 2, 1805. See letter of transmittal of Return J. Meigs and Daniel Smith.

[3] United States Statutes at Large, Vol. VII, pp. 93 and 95.

Secret agreement with Doublehead.—Following the transmission of the treaties to the Secretary of War by the commissioners, the latter addressed[1] an explanatory communication to him, in which they set forth that by the terms of the treaty of October 25, 1805, there were reserved three square miles of land, "for the particular disposal of the United States, on the north bank of the Tennessee, opposite and below the mouth of Hiwassa." This reservation, they affirmed, was predicated ostensibly on the supposition that the garrison at Southwest Point and the United States factory at Tellico would be placed thereon during the pleasure of the United States, but that they had stipulated with "Doublehead," a Cherokee chief, that whenever the United States should find this land unnecessary for the purposes mentioned it was to revert to him (Doublehead), provided that he should retain one of the square miles to his own use, but should relinquish his right and claim to the other two sections in favor of John D. Chisholm and John Riley in equal shares.

Purchase of site for State capital.—The cession by the treaty of October 27, 1805, of the section of land at Southwest Point was secured upon the theory that the State of Tennessee would find Kingston a convenient and desirable place for the establishment of the State capital. A subsequent change of circumstances and public sentiment, however, caused it to be located seven years later at Nashville.

Boundaries surveyed.—On the 11th of July, 1806, the Secretary of War notified Return J. Meigs of his appointment as commissioner to superintend the running and marking of the line "from the junction of the fork at the head of which Fort Nash stood with the main south fork of Duck River to a point on the Tennessee River bank opposite the mouth of Hiwassee River." He was also to superintend the survey of the lines of the reserved tracts agreeably to the treaty of October 25, 1805.

He was directed to appoint a surveyor, but before running the line from Duck to Tennessee Rivers above described, to have him survey and mark the lines of the 3-mile tract reserved opposite to and below the mouth of Hiwassee, and also, when completed, to designate the most suitable site for the military post, factory, and agency, each site to be 300 feet square and 40 rods distant from the others.

Commissioner Meigs followed the letter of his instructions and caused the lines to be surveyed in accordance therewith. The line from Duck River to the mouth of Hiwassee was begun on the 9th and finished on the 26th of October, 1806. The point of departure at the west end of the boundary line was a red elm tree, trimmed and topped, standing on the extreme point of land formed by the confluence of that branch of Duck River at the head of which Fort Nash stood, with the main south fork of the river. The eastern terminus of the line was a mulberry tree

[1] January 10, 1806.

on the north bank of Tennessee River opposite the mouth of Hiwassee River, 73 miles and 166 poles from the beginning.[1]

CONTROVERSY CONCERNING "DOUBLEHEAD" TRACT.

Colonel Martin, who was employed by Commissioner Meigs, also surveyed under the latter's direction during the same month the four small reserved tracts described in the treaty of October 25, 1805.[1] One of these afterwards produced much controversy. The language of the treaty called for three square miles on the north bank of Tennessee River, *opposite to and below* the mouth of Hiwassee River. Colonel Meigs, who was one of the commissioners who negotiated the treaty and was therefore entirely familiar with its intent, caused this tract to be surveyed adjoining the main line of cession, extending from Duck River to the mouth of Hiwassee and north of that line, which placed the tract opposite to and *above* the mouth of Hiwassee, instead of "opposite to and below" the mouth of that river.[2]

As above stated, while this reserve was ostensibly for the location of a military post and factory or trading establishment, it was really intended for the Cherokee chief Doublehead and other influential persons, as the price of their influence in securing from the Cherokees the extensive cession of land granted by the treaty.

This was sought to be secured by means of a secret article attached to the treaty. This article was reported to the War Department by the treaty commissioners[3] and made a matter of record, but it was never sent to the State Department nor to the Senate for the advice and consent of that body. After Agent Meigs had erected the Hiwassee garrison buildings on the tract, suit was brought in 1809 by Colonel McLung against the agent for the recovery of the land and mesne profits, basing his claim to title upon a grant from the State of North Carolina, of date long prior to the treaty of 1805. The suit was decided in the plaintiff's favor by the Tennessee courts. Subsequently, in 1838, John Riley made application to the Government for compensation for the loss of his one-third interest in this tract. The question was submitted to the Attorney-General of the United States for his opinion. He decided that the secret article, not having been submitted to the Senate for approval, was not to be considered as any part of the treaty; but that, if the commissioners had any authority for making such an agreement, the defective execution of their powers ought not to prejudice parties acting in good faith and relying on their authority; nevertheless, no relief could be had except through the action of Congress.

This secret article was also applicable to the small tract at and below the mouth of Clinch River, to the 1 mile square at the foot of Cumber-

[1] See field notes of Colonel Martin on file in office of Indian Affairs.

[2] Letter of R. J. Meigs to Secretary of War, March 4, 1811.

[3] Letter of Meigs and Smith to Secretary of War, January 10, 1806.

land Mountain, and to the 1 mile square on the north bank of the Tennessee River, where Cherokee Talootiske lived. The first mentioned tract was also intended for the benefit of Doublehead, who leased it February 19, 1806, to Thomas H. Clark for twenty years. Before the expiration of the lease Doublehead was killed by some of his own people. December 10, 1820, the State of Tennessee assumed to grant the tract to Clark.[1]

The other two tracts alluded to of one square mile each were intended for Cherokee Talootiske. May 31, 1808, Talootiske perpetually leased his interest in the Cumberland Mountain tract to Thomas H. Clark. September 17, 1816, Clark purchased the interest of Robert Bell in the same tract, the latter deriving his alleged title under a grant from North Carolina to A. McCoy in July, 1793. This tract was also included in a grant from North Carolina to J. W. Lackey and Starkey Donaldson, dated January 4, 1795. The tract on Tennessee River, Talootiske sold to Robert King, whose assigns also claimed the title under the aforesaid grant from North Carolina to Lackey and Donaldson.[1]

From the phraseology of the treaty in making these several reservations, it was concluded advisable in subsequent negotiations to secure a relinquishment of the tribal title thereto, which was done by the treaty of July 18, 1817.

TREATY CONCLUDED JANUARY 7, 1806; PROCLAIMED MAY 23, 1807.[2]

Held at Washington City, D. C., between Henry Dearborn, Secretary of War, specially authorized thereto by the President of the United States, and certain chiefs and headmen of the Cherokee Nation, duly authorized and empowered by said nation.

MATERIAL PROVISIONS.

1. The Cherokees relinquish to the United States all claim to "all that tract of country which lies to the northward of the river Tennessee and westward of a line to be run from the upper part of Chickasaw Old Fields, at the upper point of an island called Chickasaw Island on said river, to the most easterly head-waters of that branch of said Tennessee River called Duck River, excepting the two following described tracts, viz: one tract bounded southerly on the said Tennessee River, at a place called the Muscle Shoals; westerly, by a creek called Te Kee, ta, no-eh, or Cyprus Creek, and easterly, by Chu, wa, lee, or Elk River or Creek, and northerly by a line to be drawn from a point on said Elk River, ten miles on a direct line from its mouth * * * to a point on the said Cyprus Creek, ten miles on a direct line from its junction with

[1] See report of Commissioner Indian Affairs to Secretary of War, December 9, 1834.
[2] United States Statutes at Large, Vol. VII, p. 101.

the Tennessee River. The other tract is to be two miles in width on the north side of Tennessee River, and to extend northerly from that river three miles, and bounded as follows, viz: Beginning at the mouth of Spring Creek and running up said creek three miles on a straight line; thence westerly two miles at right angles with the general course of said creek; thence southerly on a line parallel with the general course of said creek to the Tennessee River; thence up said river by its waters to the beginning, which first reserved tract is to be considered the common property of the Cherokees who now live on the same, including John D. Chesholm, Au, tow, we, and Cheh Chuh, and the other reserved tract, on which Moses Melton now lives, is to be considered the property of said Melton and of Charles Hicks, in equal shares. * * * Also relinquish * * * all right or claim * * * to the Long Island in Holston River."

2. The United States agree to pay, in consideration of the foregoing cession, $2,000 in money upon the ratification of the treaty; $8,000 in four equal annual installments; to erect a grist-mill within one year in the Cherokee country; to furnish a machine for cleaning cotton; and to pay the Cherokee chief, Black Fox, $100 annually during his life.

3. The United States agree to urge upon the Chickasaws to consent to the following boundary between that nation and the Cherokees south of Tennessee River, viz: Beginning at the mouth of Caney Creek near the lower part of Muscle Shoals, and run up said creek to its head, and in a direct line from thence to the Flat Stone, or Rock, the old corner boundary.

4. The United States agree that the claims of the Chickasaws to the two tracts reserved by article 1 of this treaty, on north side of the Tennessee River, shall be settled by the United States in such manner as will secure the title to the Cherokees.

TREATY CONCLUDED SEPTEMBER 11, 1807; PROCLAIMED APRIL 22, 1808.[1]

Held at upper end of Chickasaw Island, in Tennessee River, between James Robertson and Return J. Meigs, acting under authority of the Executive of the United States, and a delegation of Cherokee chiefs representing said nation.

MATERIAL PROVISIONS.

This treaty is simply an elucidation of the first article of the treaty of January 7, 1806, and declares that the eastern limits of the tract ceded by the latter treaty "shall be bounded by a line so to be run from the upper end of the Chickasaw Old Fields, a little above the upper point of an island, called Chickasaw Island, as will most directly intersect the first waters of Elk River; thence carried to the great Cumberland

[1] United States Statutes at Large, Vol. VII, p. 103.

Mountain, in which the waters of Elk River have their source; then along the margin of said mountain, until it shall intersect the lands heretofore ceded to the United States at the said Tennessee ridge."

In consideration of this concession, the United States agree to pay to the Cherokees $2,000 and to permit the latter to hunt upon the tract ceded until the increase of settlements renders it improper.

HISTORICAL DATA.

CONTROVERSY CONCERNING BOUNDARIES.

Shortly after the conclusion of the treaties of October 25 and 27, 1805, a delegation of Cherokee chiefs and headmen visited Washington. Messrs. Return J. Meigs and Daniel Smith, the commissioners who had negotiated those treaties, accompanied them.

The Secretary of War, Hon. Henry Dearborn, was specially deputized by the President to conduct negotiations with them for the purchase of such portions of their country as they might feel willing to sell, but more especially to extinguish their claim to the region of territory lying to the north and east of Tennessee River and west of the head waters of Duck River.

The negotiations were concluded and the treaty was signed on the 7th of January, 1806,[1] and the President transmitted the same to the Senate on the 24th of the same month ; but that body did not consent to its ratification for more than a year afterwards.[2]

At the time of the conclusion of this treaty, it was supposed by all the parties thereto that the eastern limit of the cession therein defined would include all of the waters of Elk River, the impression being that the headwaters of Duck River had their source farther to the east than those of the Elk.[3]

The region of country in question had for many years been claimed by both the Cherokees and the Chickasaws, and the Government of the United States, not desiring to incur the animosity of either of these Indian nations, had preferred rather to extinguish by purchase the claim of each. With this end in view, a treaty had already been concluded with the Chickasaws, under date of July 23, 1805,[4] resulting in their relinquishment of all claim to the land north of Duck River lying east of the Tennessee and to a tract lying between Duck and Tennessee Rivers, on the north and south, and east of the Columbian Highway, so as to include all the waters of Elk River. It had been the intention that the eastern boundary of the cession made by both these nations should be

[1] United States Statutes at Large, Vol. VII, p. 101.

[2] May, 1807.

[3] Message of President Jefferson to U. S. Senate, March 29, 1808, and letter of R. J. Meigs, September 28, 1807. American State Papers, Indian Affairs, Vol. I, p. 753.

[4] United States Statutes at Large, Vol. VII.

coincident from the head of Chickasaw Island northward, but when the country came to be examined with a view to running the line, it was found that a strict adherence to the text of the Cherokee cession would leave about two hundred families of settlers on the headwaters of Elk River still within the Indian country.[1] In the mean time the Chickasaws, having learned that the United States had purchased of the Cherokees their supposed claim to the territory as far west as the Tennessee River, including a large region of country to the westward of the limits of the cession of 1805 by the former, construed that fact as a recognition of the sole and absolute title of the Cherokees thereto, and became in consequence very much excited and angered. They were only pacified by an official letter of assurance from the Secretary of War, addressed to Maj. George Colbert, their principal chief,[2] wherein he stated that in purchasing the Cherokee right to the tract in question the United States did not intend to destroy or impair the right of the Chickasaw Nation to the same; but that, being persuaded no actual boundary had ever been agreed on between the Chickasaws and Cherokees and that the Cherokees had some claim to a portion of the lands, it was thought advisable to purchase that claim, so that whenever the Chickasaws should be disposed to convey their title there should be no dispute with the Cherokees about it.

The Cherokees by this treaty also relinquished all claim they might have to the Long Island or Great Island, as it was sometimes called, of Holston River. This island was in reality outside the limits of the country assigned the Cherokees by the first treaty between them and the United States, at Hopewell, in 1785, but they had always since maintained that no cession had ever been made of it by them, and it was deemed wise to insert a specific clause in the treaty under consideration to that effect.[3]

Boundaries to be surveyed.—Early in 1807[4] the Secretary of War notified Agent Meigs that Mr. Thomas Freeman had been appointed to survey and mark the boundary line conformably to both the treaty of 1805 with the Chickasaws and of 1806 with the Cherokees, as well as to survey the land ceded between the south line of Tennessee and the Tennessee River, lying west of the line from about the Chickasaw Old Fields to the most eastern source of Duck River. He was also advised that General Robertson and himself had been designated to attend and superintend the running of such boundary lines. Furthermore, that it

[1] President Jefferson to U. S. Senate, March 29, 1808. American State Papers, Indian Affairs, Vol. I, p. 753.

[2] February 21, 1806. Indian Office records.

[3] On the return home of the Cherokee delegation that visited Washington in 1801, "The Glass," a noted Cherokee chief, represented to his people that the Secretary of War had said, "One Joseph Martin has a claim on the Long Island of Holston River." This the Secretary of War denied, in a letter dated November 20, 1801, to Col. R. J. Meigs.

[4] April 1. Indian Office records.

was desirable that the eastern line of both cessions should be one and the same, for although by the Chickasaw treaty the whole waters of Elk River were included, it was evident their claim to any lands east of the line agreed upon by the Cherokees was more than doubtful; that, therefore, the United States ought not to insist on such a line as would go to the eastward of the one defined in the Cherokee treaty, unless the latter could be prevailed upon to extend the same, in which event they were authorized to offer the Cherokees a moderate compensation therefor.

EXPLANATORY TREATY NEGOTIATED.

This led, upon the assembly of the commissioners and surveyor at Chickasaw Old Fields, in the fall of 1807 (for the purpose of surveying and marking the boundary lines in question), to the negotiation of an explanatory treaty with certain of the Cherokee chiefs, on the 11th of September, 1807,[1] whereby it was agreed that the Cherokee cession line should be extended so far to the eastward as to include all the waters of Elk River and thereby be made coincident and uniform with the Chickasaw line.

Secret article.—The ostensible consideration paid for this concession, as shown by the treaty, was $2,000; but it was secretly agreed that $1,000 and two rifles should be given to the chiefs with whom the treaty was negotiated.[2]

President Jefferson transmitted this latter treaty to the Senate on the 29th of March, 1808, and having received the consent of that body to its ratification, it was proclaimed by the President on the 22d of April following.

TREATY CONCLUDED MARCH 22, 1816; RATIFIED APRIL 8, 1816.[3]

Held at Washington City, D. C., between George Graham, specially authorized as commissioner therefor by the President of the United States, and certain chiefs and headmen duly authorized and empowered by the Cherokee Nation.

MATERIAL PROVISIONS.

1. The Cherokees cede to the State of South Carolina the following tract: Beginning on the east bank of Chattuga River, where the boundary line of the Cherokee Nation crosses the same, running thence with the said boundary line to a rock on the Blue Ridge, where the boundary line crosses the same, and which rock has been lately estab-

[1] United States Statutes at Large, Vol. VII, p. 103.

[2] Letter of Return J. Meigs to Secretary of War, September 28, 1807, in which he says: "With respect to the chiefs who have transacted the business with us, they will have their hands full to satisfy the ignorant, the obstinate, and the cunning of some of their own people, for which they well deserve this *silent* consideration."

[3] United States Statutes at Large, Vol. VII, p. 138.

lished as a corner to the States of North and South Carolina; running thence south sixty-eight and a quarter degrees west, twenty miles and thirty-two chains, to a rock on the Chattuga River at the thirty-fifth degree of north latitude, another corner of the boundaries agreed upon by the States of North and South Carolina; thence down and with the Chattuga to the beginning.

2. The United States promise that the State of South Carolina shall pay to the Cherokee Nation, in consideration of the above cession, $5,000, within ninety days after the ratification of the treaty by the President and Senate, provided the Cherokee Nation and the State of South Carolina shall also ratify the same.

TREATY CONCLUDED MARCH 22, 1816;[1] RATIFIED APRIL 8, 1816.[2]

Held at Washington City, D. C., between George Graham, specially authorized as commissioner therefor by the President of the United States, and certain chiefs and headmen duly authorized and empowered by the Cherokee Nation.

MATERIAL PROVISIONS.

1. The north boundary of the lands ceded by the Creek treaty of 1814, as between such cession and the Cherokees, is declared to extend from a point on the west bank of Coosa River opposite the lower end of the Ten Islands and above Fort Strother, in a direct line, to the Flat Rock or Stone on Bear Creek, a branch of the Tennessee, which line shall constitute the south boundary of the Cherokee country lying west of Coosa River and south of Tennessee River.

2. The Cherokees concede to the United States the right to lay off, open, and have the free use of all roads through their country north of said line necessary to convenient intercourse between the States of Tennessee, Georgia, and Mississippi Territory; also the free navigation of all rivers within the Cherokee territory. The Cherokees agree to establish and maintain on the aforementioned roads the necessary ferries and public houses.

3. In order to prevent future disputes concerning the boundary above recited, the Cherokees agree to appoint two commissioners to accompany the United States commissioners appointed to run said line.

4. When the United States appoint a commissioner to lay off a road as provided for above, the Cherokees shall also appoint one to accompany him, who will be paid by the United States.

5. The United States agree to reimburse individual Cherokees for losses sustained by them in consequence of the marching of militia and United States troops through their territory, amounting to $25,000.

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[1] Two treaties appear of the same date and negotiated by the same parties. It is to be noted that the first controls a cession to the State of South Carolina and the second defines certain other concessions to the United States.

[2] United States Statutes at Large, Vol. VII, p. 139.

HISTORICAL DATA.

Subsequent to the ratification of the treaty of September 11, 1807, with the Cherokees, no other treaty receiving the final sanction of the Senate and President was concluded with them until March 22, 1816;[1] but in the interval sundry negotiations and matters of official importance were conducted with them, which it will be proper to summarize.

COLONEL EARLE'S NEGOTIATIONS FOR THE PURCHASE OF IRON-ORE TRACT.

In the early part of the year 1807, Col. Elias Earle, of South Carolina, proposed to the Secretary of War the establishment of iron works, with suitable shops, in the Cherokee Nation, on substantially the following conditions, viz: That a suitable place should be looked out and selected where sufficient quantities of good iron ore could be found, in the vicinity of proper water privileges, for such an establishment; that the Indians should be induced to make a cession of a tract of land, not less than 6 miles square, which should embrace the ore bed and water privilege; that so much of the land so ceded as the President of the United States should deem proper should be conveyed to him (Earle), including the ore and water facilities, whereon he should be authorized to erect iron works, smith shops, and so forth. Earle, on his part, engaged to erect such iron works and shops as to enable him to furnish such quantities of iron and implements of husbandry as should be sufficient for the use of the various Indian tribes in that part of the country, including those on the west side of the Ohio and Mississippi Rivers; also to deliver annually to the order of the Government of the United States such quantities of iron and implements as should be needed for the Indian service, and on such reasonable terms as should be mutually agreed upon.

The Secretary of War referred the propositions of Colonel Earle to the President of the United States, who gave them his sanction, and accordingly Agent Meigs, of the Cherokees, was instructed[2] to endeavor to procure from the Cherokees such a cession as was proposed, so soon as Colonel Earle should have explored the country and selected a suitable place for the proposed establishment. Colonel Earle made the necessary explorations, and found a place at the mouth of Chickamauga Creek which seemed to meet the requirements of the case.

Thereupon Agent Meigs convened the Indians in council at Highwassee, Tennessee, at which Colonel Earle was present, and concluded a treaty[3] with them. By its terms, in consideration of the sum of $5,000 and 1,000 bushels of corn, the Cherokees ceded a tract of country 6

[1] United States Statutes at Large, Vol. VII, pp. 138 and 139.

[2] February 28, 1807.

[3] December 2, 1807. See American State Papers, Indian Affairs, Vol. I, p. 753.

miles square at the mouth of Chickamauga Creek, on the south side of Tennessee River, to be laid off in square form so as to include the creek to the best advantage for such site. The treaty also contained a proviso that in case the ore supply should fail at this point, the United States should have full liberty to procure it within the Cherokee territory at the most suitable and convenient place. Twenty-five hundred dollars of the consideration was at once paid in cash to the Indians and 1,000 bushels of corn agreed to be delivered to them the following spring. Colonel Earle carried the treaty to Washington at the next session of Congress for ratification.[1]

President Jefferson transmitted it to the Senate with a favorable message,[2] but before any action was taken by that body it was ascertained that the tract selected and ceded was within the limits of the State of Tennessee.

The matter of ratification was therefore postponed, with the hope that the State of Tennessee would consent to relinquish her claim to the land. In this the President was disappointed. No further action was taken for several years, until, it having become evident that no concession would be made in the matter by the legislature of Tennessee, the United States Senate[3] unanimously rejected the treaty. In consequence of this action, Colonel Earle made claim[4] against the Government either for the value of his time and expenses incurred in exploring the Cherokee country, selecting the site, and procuring the conclusion of the treaty, or, as an alternative, that the consent of the Cherokees should be secured to the cession of another tract of similar area and character.

The latter proposition was accepted, and Agent Meigs was advised[5] that Mr. Earle had been granted permission to select some other site suitable for his iron works, and instructed that in case he did so, negotiations should again be opened with the Cherokees for an exchange of the tract covered by the cession of 1807 for the one newly selected.

Success, however, does not seem to have attended this second attempt, and Agent Meigs was advised[6] by the Secretary of War that $985 had been paid Colonel Earle for damages sustained by him in the Cherokee country while detained there by the Indians, which amount must be deducted from the Cherokee annuity.

A third attempt of a similar character was made in 1815, when[7] Colonel Earle was appointed to negotiate, in conjunction with the Indian agent, a treaty with the Cherokees or Chickasaws for the purchase of a

[1] Letter of Return J. Meigs to Secretary of War, December 3, 1807.
[2] March 10, 1808. See American State Papers, Indian Affairs, Vol. I, p. 752.
[3] January 10, 1812.
[4] In March, 1812.
[5] May 14, 1812.
[6] March 24, 1814.
[7] February 3, 1815.

6-mile square tract for the erection of his proposed iron works. Like the previous efforts, it was without results.[1]

TENNESSEE FAILS TO CONCLUDE A TREATY WITH THE CHEROKEES.

Congress on the 18th of April, 1806,[2] had passed an act entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle claims to the vacant and unappropriated lands within the same."

This act, for the purpose of defining the limits of the vacant and unappropriated lands in the State of Tennessee, thereafter to be subject to the sole control and disposition of the United States, established the following described line, viz: Beginning at the place where the eastern or main branch of Elk River intersects the southern boundary of Tennessee; running thence due north until such line shall intersect the northern or main branch of Duck River; thence down the waters of Duck River to the military boundary line established by North Carolina in 1783; thence with the military line west to the place where it intersects Tennessee River; thence down the waters of Tennessee River to where it intersects the northern line of Tennessee. The act further provided that upon the execution by the State of Tennessee (through her Senators and Representatives in Congress, duly authorized thereto) of a deed of relinquishment to the United States of all the claim of that State to lands lying south and west of the described line, the United States should thereupon cede and convey to the State of Tennessee all claim to the land north and east of the line, with certain conditions and limitations therein prescribed, and with the proviso that nothing contained in the act should be construed to affect the Indian title.

Predicated upon this act of Congress, the legislature of Tennessee passed an act, on the 3d of December, 1807,[3] appropriating $20,000 for the purpose of holding a treaty or treaties with the Cherokees (when authorized so to do by the Federal Government) for the purpose of extinguishing their claim to all or any part of the lands within the territorial limits of Tennessee lying to the north and east of the line described in the act of Congress just mentioned.

Congress having assented to the request of Tennessee, the Secretary of War appointed[4] Return J. Meigs a commissioner to superintend the negotiations with the Cherokees about to be held with them by the two commissioners appointed on the part of that State. Mr. Meigs was advised that all the expenses incident to the holding of the treaty, as well as any consideration that should be agreed upon in case of a cession by

[1] A full history of Colonel Earle's attempt to secure a site for the erection of iron works will be found among the records and files of the Office of Indian Affairs.

[2] United States Statutes at Large, Vol. II, p. 381. See also amendment to this act by act of February 18, 1841, United States Statutes at Large, Vol. V, p. 412.

[3] Scott's Laws of North Carolina and Tennessee.

[4] March 26, 1808.

the Indians, should be borne by the State of Tennessee, and that the only lands the commission were authorized to treat for was that portion of the territory described in the act of April 18, 1806, as being ceded to Tennessee which should be found to lie east of the line established by Robertson and Meigs, running from the upper part of Chickasaw Old Fields northwardly so as to include all the waters of Elk River. The jealousy with which the Cherokees regarded a proposition for the sale of more land, and their especial aversion toward the people and government of Tennessee, prevented success from attending these negotiations in any degree.

REMOVAL OF CHEROKEES TO THE WEST OF THE MISSISSIPPI PROPOSED.

It had been the policy of the Federal Government, from the beginning of its official relations with the Indian tribes, to encourage and assist the individuals of those tribes in grasping and accepting the pursuits and habits of civilized life, with a view to their preparation for the condition in which the rapidly encroaching white settlements would in a few years inevitably place them.

With the disappearance of game the hunter must become a tiller of the soil or a herdsman, with the alternative of starvation. This humane policy, begun systematically in the first administration of Washington,[1] took the form of a considerable annual expenditure in the purchase for the Indians of hoes, plows, rakes, and other agricultural implements, as well as looms, cards, and spinning wheels. Among the northwestern tribes these efforts at industrial civilization were productive of trifling results. The southern tribes, however, and more especially the Creeks and Cherokees, had, in considerable numbers, manifested a partial though gradually increasing tendency toward self-support. Many of them, in addition to raising the necessaries of life, were producers in a limited degree of cotton, from which their women had learned to make a coarse article of cloth; others owned considerable herds of cattle and hogs, and altogether these tribes had made a degree of progress which was alike commendable to themselves and encouraging to the Government.

However, the persistent and unremitting demands of the border settlers for more land, backed by the thorough sympathy and influence of the State governments of Tennessee, North Carolina, and Georgia, as well as by their Senators and Representatives in Congress, acted as a powerful lever for moving the Congress and Executive of the United States to seek the complete possession of the Creek, Cherokee, Choctaw, and Chickasaw lands.

As early as 1803[2] President Jefferson had suggested the desirability

[1] See report of General Knox, Secretary of War, to President Washington, July 7, 1789; Creek treaty of 1790; Cherokee treaty of 1791, etc.

[2] Confidential message of President Jefferson to Congress, January 18, 1803.

of the removal of these tribes beyond the Mississippi River, although the first official action taken in this direction was contained in the fifth section of an act of Congress approved March 26, 1804, erecting Louisiana into two Territories. This act appropriated $15,000 to enable the President to effect the desired object. This was supplemented in 1808,[1] when the Secretary of War, in a letter to Agent Meigs giving permission for a delegation of Cherokees to visit Washington, instructed him to improve every opportunity of securing the consent of the Cherokees to an exchange of their lands for a tract west of the Mississippi.

The delegation here spoken of (composed of what were known as Upper Cherokees) visited Washington about the 1st of May, 1808, and, in the course of a discussion of the subject with the Secretary of War, took occasion to complain of an unequal distribution of annuities between the Upper and Lower Cherokees, and advanced a proposition that a dividing line be run between the territory of these two branches of the tribe, inasmuch as the former were cultivators of the soil, and desired to divide their lands in severalty and become citizens of the United States, while the latter were addicted to the hunter life and were indisposed to adopt civilized habits.[2] This proposition met with the personal approval of the Secretary of War. He instructed the agent[3] to ascertain the sentiments of the nation upon such a proposition, to the end that, if possible, those who adhered to aboriginal habits could be induced to accept a country in the newly acquired Territory of Louisiana, in lieu of their proportionate share of the country then occupied by the Cherokee Nation. In pursuance of this plan, the agent lost no opportunity of impressing upon the Cherokees the importance of the approaching crisis in their tribal affairs, and the necessity that some practical method should be adopted to solve the problem of subsistence involved in the rapid diminution of game. Many of the Lower or "hunter" Cherokees became persuaded of the necessity of looking out a new home, and early in January, 1809,[4] President Jefferson addressed a "talk" to them, approving their project and promising facilities for the transportation of a delegation to visit the Arkansas and White River countries, where, in case they found a suitable location, the United States would assign them a sufficient area of territory for their occupation in exchange for their share of the Cherokee domain east of the Mississippi.

Based upon this proposition, a pioneer delegation of the Indians visited that country in the year 1809, and upon their report large numbers (about 2,000, as reported by Agent Meigs) of the nation signified their intention of removal as early as the autumn of that year. The

[1] March 25.

[2] See letter of Secretary of War to Col. R. J. Meigs, May 5, 1808.

[3] May 5, 1808.

[4] January 9, 1809

United States authorities were not as yet prepared to defray the pecuniary expense of so large a migration. The agent was therefore directed to discourage for the present anything except the removal of individual families.[1] The situation remained unchanged until the spring of 1811,[2] when the Secretary of War informed Agent Meigs that time and circumstances had rendered it expedient to revive the subject of a general removal and exchange of lands. The latter was advised that it was very desirable to secure a cession of the Cherokee lands lying within the States of Tennessee and South Carolina, and that in case the whole nation could be brought to agree to the proposition of ceding these tracts, as the proportionate share of the "emigrant party," in exchange for lands to be assigned such party on White and Arkansas Rivers, he would be authorized and directed to negotiate a treaty with the Cherokee Nation for that purpose. From this time the subject remained *in statu quo* for several years, except that small parties of Cherokees, consisting of a few individuals or families, continued to emigrate to the "promised land." It is perhaps interesting to state, in connection with this emigration movement of the Cherokees, that it was primarily inaugurated shortly after the treaty of 1785, at Hopewell, when a few of those dissatisfied with the terms of that instrument embarked in pirogues, and, descending the Tennessee, Ohio, and Mississippi Rivers, reached and ascended the Saint Francis, then in the Spanish province of Louisiana, where they formed a settlement, from whence in a few years they removed to a more satisfactory location on White River. Here they were joined from time to time by their dissatisfied eastern brethren, in families and small parties, until they numbered, prior to the treaty of 1817, between two and three thousand souls.

EFFORTS OF SOUTH CAROLINA TO EXTINGUISH CHEROKEE TITLE.

On the 31st of December, 1810, the governor of South Carolina transmitted to the President a resolution of the legislature of that State urging an extinguishment of the Cherokee Indian title to lands within her State limits.[3] The Secretary of War, in his letter of acknowledgment,[4] assured the governor that measures would soon be taken to bring about the desired cession if possible. Nothing of importance seems, however, to have been done until the winter of 1814, when Agent Meigs was appointed[5] a commissioner for the purpose of negotiating a treaty with this end in view. He was instructed that the State of South Carolina would have an agent present, authorized to defray the expenses of the treaty and to adjust the compensation that should be agreed upon in consideration of the proposed cession, agreeably to the

[1] Letter of Secretary of War to Col. R. J. Meigs, November 1, 1809.
[2] March 27, 1811.
[3] Indian Office files.
[4] March 28, 1811.
[5] December 26.

provisions of the twelfth section of an act of Congress approved March 30, 1802, for regulating trade and intercourse with the Indian tribes.

These negotiations not having proved successful, the Secretary of War authorized Agent Meigs[1] to bring a delegation of the Cherokees to Washington for this and other purposes of negotiation.

This delegation arrived early in the spring of 1816, and the Hon. George Graham, being specially authorized by the President, concluded a treaty on the 22d of March of that year.[2] Therein, in consideration of the sum of $5,000, to be paid by the State of South Carolina within ninety days from the date of its ratification by the President and Senate, subject also to ratification by the Cherokee national council and by the governor of South Carolina, the Cherokees ceded to that State all claim to territory within her boundaries.

This treaty was transmitted[3] to the Senate by President Madison, and ratified and proclaimed, as set forth in the abstract of its provisions hereinbefore given, on the 8th of April, 1816.

BOUNDARY BETWEEN CHEROKEES, CREEKS, CHOCTAWS, AND CHICKASAWS.

The lines of demarkation between the respective possessions of the Cherokee, Creek, Choctaw, and Chickasaw Nations had long been a subject of dispute between them. People living in a state of barbarism and principally dependent upon the chase for a livelihood, necessarily roam over a vast amount of territory within which no permanent habitations have been established by themselves. An accurate definition of the boundaries between them and their nearest neighbors pursuing a similar mode of life is unnecessary so long as no disturbing factor is brought into the case. But contact with an ever-encroaching tide of civilization renders essential an accurate definition of limits. The United States, in several of its numerous treaties for the acquisition of territory from these four tribes, had been met with conflicting claims as to its ownership. In order that future disputes and embarrassments of this character should be avoided, the authorities of the United States entertained the idea of causing a boundary line to be run and marked between the adjoining territory of these tribes. The Indian agents were advised by the Secretary of War[4] that the subject was under consideration, the plan being to constitute a commission, consisting of two representatives selected by each tribe and of the United States agents for those tribes, who should, after full examination of the country and the subject, agree upon and fix their respective boundaries. Owing, however, to the complicated state of our foreign relations and the feverish condition of mind manifested by the border tribes, soon followed by war with England and with the

[1] November 22, 1815.

[2] United States Statutes at Large, Vol. VII, p. 138.

[3] March 26, 1816.

[4] May 8, 1811.

Creek Indians, it became necessary to drop further negotiations on the subject, and the matter was not again revived in this form.

After the treaty of 1814 with the Creeks, however, whereby General Jackson exacted from them, as indemnity for the expenses of the war, the cession of an immense tract of country in Alabama and Georgia,[1] the question of the proper limits of this cession on the north and west became a subject of controversy between the United States and the Cherokees, Choctaws, and Chickasaws.

The United States authorities at Washington were anxious that nothing should occur in the adjustment of these boundaries which should cause a feeling of irritation among those tribes. Commissioners had been appointed in the summer of 1815 to survey and mark the boundaries of this Creek cession, and in August of that year we find the Secretary of War giving instructions to Agent Meigs, of the Cherokees, to meet the boundary commissioners, with a few of the principal Cherokee chiefs, at the point on Coosa River where the south boundary of the Cherokee Nation crossed the same, in order that the Cherokees should be satisfied that the commissioners began at the proper point. Several additional reminders were given the agent, during the progress of the survey, that the matter of boundary was a question of fact to be ascertained and determined from the best attainable evidence, and that care must be taken that no injustice should be done the Cherokees.[2] In the following spring[3] a delegation of Cherokees was brought to Washington, by direction of the War Department, and, pending the completion of treaty negotiations with them, the boundary commissioners were instructed not to mark the line between the Cherokees and the Creek cession until further orders.

These negotiations resulted in a second treaty of March 22, 1816[4] (the one for the cession of the tract in South Carolina bears the same date), wherein it was declared that the northern boundary line of the Creek cession of 1814 should be established by the running of a line from a point on the west bank of Coosa River opposite to the lower end of the Ten Islands, above Fort Strother, directly to the Flat Rock or Stone on Bear Creek, said Flat Rock being the southwest corner of the Cherokee possessions, as defined by the treaty with them concluded January 7, 1806.

This boundary brought forth a vigorous though unavailing protest from General Jackson, who argued that the Cherokees never had any right to territory south of the Tennessee and west of Coosa River, but that it belonged to the Creeks and was properly within the limits of their cession of 1814.[5]

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[1] United States Statutes at Large, Vol. VII, p. 120.

[2] Letter of Secretary of War to Agent Meigs, November 22, 1815.

[3] March, 1816.

[4] United States Statutes at Large, Vol. VII, p. 139.

[5] Letter from General Jackson to Secretary of War, June 10, 1816.

All efforts were fruitless in securing any further cession of lands, either north or south of the Tennessee.[1]

Previous to the visit of the Cherokee delegation to Washington and to the instructions given, as referred to above, to the boundary commissioners to suspend the running of the boundary line between the Creek cession and the Cherokees pending negotiations with the latter, General Coffee had been engaged in surveying the line from Coosa River to the Tennessee River.[2] As a result of the negotiations with the Cherokees, additional instructions were given the boundary commissioners[3] (accompanying which was a copy of the Cherokee treaty concluded on the 22d of March preceding) to run and mark the boundary line therein agreed upon from the lower end of the Ten Islands, on Coosa River, to the Flat Rock, on Bear Creek. They were advised that the surveys already made by General Coffee might be of advantage to them, though from an examination of his report it did not appear he had taken any notice of the point at which this line was to terminate, notwithstanding he seemed to have had in view the treaty made with the Cherokees in the year 1806, which proposed Caney Creek and a line from its source to the Flat Rock as the boundary between the Cherokees and Chickasaws. Coffee's line had already excited the jealousy and opposition of the Chickasaws, and on the same day final instructions were given the commissioners to run the line from Coosa River to Flat Rock, Major Cocke, the Chickasaw agent, was directed to advise the Chickasaws that in agreeing upon this line with the Cherokees the United States had in no degree interfered with the conflicting claims of the Chickasaws south of that line and east of Coffee's line; that from an examination of the treaties with the Chickasaws and Cherokees, and especially that of 1786 with the former tribe, it appeared that a point called the Flat Rock was considered a corner of the lands belonging to them, and had since been considered as the corner to the Cherokee, Creek, and Chickasaw hunting grounds. It is proper to state in this connection that for many years an uncertainty had existed in the minds of both the Indians and the United States authorities as to the exact location of this Flat Rock,[4] and whether it was on Bear Creek or on the headwaters of the Long Leaf Pine, a branch of the Black Warrior River. The line as finally run by the commissioners from Flat Rock, on Bear Creek, to Ten Islands, pursued a course bearing S. 67° 56′ 27″ E. 118 miles and 40 perches.[5] It may be interesting also to quote from a letter[6] from Will-

[1] Letter from Secretary of War to United States Senators from Tennessee, April 4, 1816.

[2] See letter of Secretary of War to Barnett, Hawkins, and Gaines, April 16, 1816.

[3] April 16, 1816. These boundary commissioners were William Barnett, Col. Benjamin Hawkins, and Maj. E. P. Gaines.

[4] Letter of General Jackson to Secretary of War, June 10, 1816; also from Commissioner Barnett, June 7, 1816.

[5] Old map on file in General Land Office.

[6] June 7, 1816.

iam Barnett, one of the United States boundary commissioners, to his co-commissioner, General Coffee, in which he states that he has just returned from the council at Turkeytown, at which the Cherokees, Choctaws, Chickasaws, and Creeks were represented, and that the principal purpose of the council was to agree upon and adjust their several boundaries. He notes the fact that the Creeks and Cherokees had agreed to make a joint stock of their lands, with a privilege to each nation to settle where they pleased. The Creeks and Choctaws had fixed on the ridge dividing the waters of the Black Warrior and the Cahawba as their former boundary. The Chickasaws and Cherokees could come to no understanding as to their divisional line, the former alleging that they had no knowledge of any lands held by the latter on the south side of the Tennessee River adjoining them; that they always considered the lands so claimed by the Cherokees as belonging to the Creeks, and in support of this they had exhibited to him a number of affidavits in proof that their line ran from the mouth of a small creek emptying into the Tennessee near Ditto's Landing (opposite Chickasaw Island), up the same to its source, thence to the head of the Sipsey Fork of the Black Warrior, and down the same to the Flat Rock, where the Black Warrior is 200 yards wide; that they had no knowledge of any place on Bear Creek known as Flat Rock, and that running the line to the last mentioned place would be taking from them a considerable tract of country, to which they could by no means consent.[1]

ROADS THROUGH THE CHEROKEE COUNTRY.

In order to secure a proper system of communication between the Tennessee and the Lower Alabama and Mississippi settlements, the United States had long desired the establishment of sufficient roads through the Indian country between those points. The Indians, however, were shrewd enough to perceive that the granting of such a permission would be but an entering wedge for splitting their country in twain, and afford excuse for the encroachments of white settlers.

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[1] From a letter of Agent Meigs bearing date December 26, 1804, it seems that he was just in receipt of a communication from the Chickasaw chiefs relative to their claim to lands on the north side of Tennessee River. The chiefs assert that part of their people formerly lived at a place called Chickasaw Old Fields, on the Tennessee, about 20 miles above the mouth of Elk River; that while living there they had a war with the Cherokees, when, finding themselves too much separated from their principal settlements, they removed back thereto. Afterwards, on making peace with the Cherokees, their boundaries were agreed on as they are defined in the instrument given them by President Washington in 1794.

They further state that they had a war with the Shawnees and drove them from all the waters of the Tennessee and Duck Rivers, as well as conflicts with the Cherokees, Choctaws, and Creeks, in which they defeated all attempts of their enemies to dispossess them of their country.

Agent Meigs remarks that he is convinced the claim of the Chickasaws is the best founded; that until recently the Cherokees had always alluded to the country in controversy as the hunting ground of the four nations, and that their few settlements within this region were of recent date.

The establishment of new thoroughfares had therefore been regarded with extreme jealousy and had never been yielded to by them except after a persistency of urging that bordered on force.

In the spring of 1811[1] Agent Meigs was advised by the Secretary of War of the expediency of having a road opened without delay from the Tennessee to the Tombigbee, and also one from Tellico. Both these propositions would require the consent of the Creeks, and for the purpose of securing the most advantageous routes it was contemplated that Captain Gaines should make a journey of exploration and survey of the country between the Alabama and Coosa Rivers on the south and Tennessee and Hiwassee Rivers on the north. The fruition of these plans was also postponed on account of the ensuing war with the Creeks, and the subject was not again broached until after their subjugation. In the spring of 1814 the legislature of Tennessee transmitted two memorials to Congress on the subject, and, by direction of the Secretary of War, Agent Meigs was again instructed[2] to ascertain the bent of the Indian mind in relation thereto. The result was the conclusion, with the approval of the President, of two agreements between the Cherokees and the agents of certain road companies for the opening of two roads through the country of the latter from Tennessee to Georgia. But when the treaty of March 22, 1816, came to be negotiated at Washington, the United States authorities, after much persuasion, procured the insertion therein of an article conceding to the United States a practically free and unrestrained permission for the construction of any and all roads through the Cherokee country necessary to convenient intercourse between the northern and southern settlements.

TREATY CONCLUDED SEPTEMBER 14, 1816; PROCLAIMED DECEMBER 30, 1816.[3]

Held at Chickasaw Council House, between Maj. Gen. Andrew Jackson, General David Merriwether, and Jesse Franklin, commissioners plenipotentiary on the part of the United States, and the delegates representing the Cherokee Nation.

MATERIAL PROVISIONS.

To perpetuate peace and friendship between the United States and the Cherokees and to remove all future dissensions concerning boundaries it is agreed:

1. Peace and friendship are established between the United States and Cherokees.

2. The Cherokee Nation acknowledge the following as their western boundary: South of the Tennessee River, commencing at Camp Coffee,

[1] May 25.

[2] April 7.

[3] United States Statutes at Large, Vol. VII, p. 148.

on the south side of the Tennessee River, which is opposite the Chickasaw Island; running from thence a due south course to the top of the dividing ridge between the waters of the Tennessee and Tombigby Rivers; thence eastwardly along said ridge, leaving the headwaters of the Black Warrior to the right hand until opposed by the west branch of Wells' Creek; down the east bank of said creek to the Coosa River, and down said river.

3. The Cherokees cede all claim to land south and west of the above line In consideration for such cession the United States agree to pay an annuity of $6,000 for ten years and the sum of $5,000 within sixty days after ratification of the treaty.

4. The boundary line above described, after due notice given to the Cherokees, shall be ascertained and marked by commissioners appointed by the President, accompanied by two representatives of the Cherokee Nation.

5. The Cherokee Nation agree to meet the United States treaty commissioners at Turkeytown, on Coosa River, September 28, 1816, to confirm or reject said treaty; a failure to so meet the commissioners to be equivalent to ratification.

Ratified at Turkeytown by the whole Cherokee Nation, October 4, 1816.

HISTORICAL DATA.

FURTHER PURCHASE OF CHEROKEE LANDS.

On the 27th of May, 1816, the Secretary of War instructed Agent Meigs to endeavor, at the next session of the national council of the Cherokees, to obtain a cession of the Cherokee claim north of Tennessee River within the State of Tennessee. For this proposed cession he was authorized to pay $20,000, in one or more payments, and $5,000 in presents; also to give Colonel Lowry, an influential chief among them, a sum equal to the value of his improvements.[1]

He was further instructed to make an effort to secure the cession of the lands which they had declined to sell the previous winter and which lay to the west of a line drawn due south from that point of the Tennessee River intersected by the eastern boundary of Madison County, Alabama.

The necessity for these cessions, and especially that of the former tract, had been urged upon the Government of the United States by the legislature and by the citizens of Tennessee, many of whom had been purchasers of land within its limits, from the State of North Carolina, a quarter of a century previous, and who had been restrained from possession and occupancy of the same by the United States authorities so long as the Indian title remained unextinguished. In the event that the national council of the Cherokees should decline to

[1] See Indian Office records.

accede to the desired cessions, Agent Meigs was to urge that the Cherokee delegation appointed to meet the boundary commissioners at the Chickasaw Council House on the 1st of September following should be invested with full authority for the conclusion of such adjustment of boundaries as might be determined on at that place. This authority was conditionally granted by the council,[1] and when the delegation came to meet the United States commissioners at the Chickasaw Council House, in the month of September, an agreement was made as to boundaries as set forth in the second article of the treaty of September 14, 1816. By this agreement the Cherokees ceded all claim west of a line from Camp Coffee to the Coosa River and south of a line from the latter point to Flat Rock, on Bear Creek.[2] The treaty was ratified by the nation in general council, at Turkeytown, on the 4th of October following.[3]

Alabama alleges error in survey.—When the due-south line from Camp Coffee provided for in the treaty was surveyed, the surveyor, through an error in running it, deflected somewhat to the west. When the adjacent country came to be surveyed and opened up to settlement much complaint was made, and the legislature of Alabama[4] passed a joint resolution reciting the fact that through this erroneous survey much valuable land had been left within the Cherokee limits which had properly been ceded to the United States and instructing Alabama's delegation in Congress to take measures for having the line correctly run. The matter having been by Congress referred to the Secretary of War for investigation and report, the Commissioner of the General Land Office, at his request, reported[5] that when the public surveys were made in that section it was found that neither the line due south from Camp Coffee nor from the head of Caney Creek had been surveyed on a true meridian. Inasmuch, however, as they had been run and marked by commissioners appointed by the United States, the surveyors necessarily made the public surveys in conformity to them. By this deviation from the true meridian the United States and the State of Alabama had gained more land from the manner in which the Caney Creek or Chickasaw boundary line had been run than had been lost by the deviation in the Cherokee or Camp Coffee line, and the quantity in either case did not perhaps exceed six or eight thousand acres.

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[1] Letter of Return J. Meigs to the Secretary of War, dated August 19, 1816. American State Papers, Indian Affairs, Vol. II, p. 113.

[2] Report of Commissioners Jackson, Merriwether, and Franklin to Secretary of War; dated Chickasaw Council House, September 20, 1816. American State Papers, Indian Affairs, Vol. II, p. 104.

[3] Report of Commissioners Jackson and Merriwether to Secretary of War, October 4, 1816.

[4] January 7, 1828.

[5] February 25, 1828.

TREATY CONCLUDED JULY 8, 1817; PROCLAIMED DECEMBER 26, 1817.[1]

Held at Cherokee Agency, in the Cherokee Nation, between Maj. Gen. Andrew Jackson, Joseph McMinn, governor of Tennessee, and General David Merriwether, commissioners plenipotentiary of the United States, and the chiefs, headmen, and warriors of the Cherokee Nation east of the Mississippi River, and those on the Arkansas River, by their deputies, John D. Chisholm and James Rogers, duly authorized by written power of attorney.

MATERIAL PROVISIONS.

1. The whole Cherokee Nation cede to the United States all the lands lying north and east of the following boundaries, viz: Beginning at the High Shoals of the Appalachy River, and running thence along the boundary line between the Creek and Cherokee Nations westwardly to the Chatahouchy River; thence up the Chatahouchy River to the mouth of Souque Creek; thence continuing with the general course of the river until it reaches the Indian boundary line; and should it strike the Turrurar River, thence with its meanders down said river to its mouth, in part of the proportion of land in the Cherokee Nation east of the Mississippi to which those now on the Arkansas and those about to remove there are justly entitled.

2. The whole Cherokee Nation do also cede to the United States all the lands lying north and west of the following boundary lines, viz: Beginning at the Indian boundary line that runs from the north bank of the Tennessee River opposite to the mouth of Hywassee River, at a point on the top of Walden's Ridge where it divides the waters of the Tennessee River from those of the Sequatchie River; thence along said ridge southwardly to the bank of the Tennessee River at a point near to a place called the Negro Sugar Camp, opposite to the upper end of the first island above Running Water Town; thence westwardly a straight line to the mouth of Little Sequatchie River; thence up said river to its main fork; thence up its northermost fork to its source; and thence due west to the Indian boundary line.

3. A census to be taken of the whole Cherokee Nation during June, 1818. The enumeration of those east of the Mississippi River to be made by a commissioner appointed by the President of the United States and a commissioner appointed by the Cherokees residing on the Arkansas. That of those on the Arkansas by a United States commissioner and one appointed by the Cherokees east of the Mississippi.

4. The annuities for 1818 and thereafter to be divided upon the basis of said census between Cherokees east of the Mississippi and those on the Arkansas. The lands east of the Mississippi also to be divided, and the proportion of those moved and agreeing to remove to the Arkansas to be surrendered to the United States.

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[1] United States Statutes at Large, Vol. VII, p. 156.

5. The United States agree to give to the removing Cherokees a tract of land on the Arkansas and White Rivers equal in area to the quantity ceded the United States by first and second articles hereof. Said tract to begin on north side of the Arkansas River, at mouth of Point Remove, or Budwell's Old Place; thence northwardly by a straight line to strike Chataunga Mountain, the first hill above Shield's Ferry, on White River, and running up and between said rivers for quantity. Said boundary from point of beginning to be surveyed, and all citizens of the United States except Mrs. P. Lovely to be removed therefrom. All previous treaties to remain in full force and to be binding on both parts of the Cherokee Nation. The United States reserves the right to establish factories, a military post, and roads within the boundaries last above defined.

6. The United States agree to give all poor warriors who remove a rifle, ammunition, blanket, and brass kettle or beaver trap each, as full compensation for improvements left by them; to those whose improvements add real value to the land, the full value thereof, as ascertained by appraisal, shall be paid. The United States to furnish flat-bottomed boats and provisions on the Tennessee River for transportation of those removing.

7. All valuable improvements made by Cherokees within the limits ceded to the United States by first and second articles hereof shall be paid for by the United States or others of equal value left by removing Cherokees given in lieu thereof. Improvements left by emigrant Cherokees not so exchanged shall be rented to the Indians, for the benefit of the poor and decrepit of the Eastern Cherokees.

8. Each head of a Cherokee family residing on lands herein or hereafter ceded to the United States who elects to become a citizen of the United States shall receive a reservation of 640 acres, to include his or her improvements, for life, with reversion in fee simple to children, subject to widow's dower. On removal of reservees their reservations shall revert to the United States. Lands reserved under this provision shall be deducted from the quantity ceded by first and second articles.

9. All parties to the treaty shall have free navigation of all waters herein mentioned.

10. The Cherokee Nation cedes to the United States all claim to reservations made to Doublehead and others by treaty of January 7, 1806.

11. Boundary lines of lands ceded to the United States by first and second articles, and by the United States to the Cherokees in fifth article hereof, to be run and marked by a United States commissioner, to be accompanied by commissioners appointed by the Cherokees.

12. Citizens of the United States are forbidden to enter upon lands herein ceded by the Cherokees until ratification and proclamation of this treaty.

13. Treaty to be binding upon the assent and ratification of the Senate and President of the United States.

HISTORICAL DATA.

POLICY OF REMOVING INDIAN TRIBES TO THE WEST OF THE MISSISSIPPI RIVER.

In the settlement and colonization by civilized people of a country theretofore a wilderness, and inhabited only by savage tribes, many important and controlling reasons exist why the occupation of such a country should be accomplished by regular and gradual advances and in a more or less connected and compact manner. It was expedient that a united front should be presented by the earlier settlers of this continent, in order that the hostile raids and demonstrations of the Indian warriors might be successfully resisted and repulsed. Therefore, the settlements were, as a rule, extended from the coast line toward the interior by regular steps, without the intermission of long distances of unoccupied territory. This seemed to be the policy anterior to the Revolution, and was announced in the proclamation of King George in 1763 wherein he prohibited settlements being made on Indian lands or the purchase of the same by unauthorized persons.

The first ordinances of Congress under the Articles of Confederation for disposing of the public lands were predicated upon the same theory. But after the close of the war for independence, circumstances arising out of the treaty of 1783 with Great Britain and the acquisition of Louisiana from France imposed the necessity for a departure from the old system. Within the limits of the territory thus acquired sundry settlements had been made by the French people at points widely separated from one another and with many hundreds of miles of wilderness intervening between them and the English settlements on the Atlantic slope. The evils and inconveniences resulting from this irregular form of frontier were manifest.

Settlements thus widely separated, or projecting in long, narrow column far into the Indian country, manifestly increased in large ratio the causes of savage jealousy and hostility. At the same time the means of defense were rendered less certain and the expense and difficulty of adequately protecting such a frontier were largely enhanced.

Such, however, was the condition and shape of our frontier settlements during the earlier years of the present century. Settlements on the Tennessee and Cumberland were cut off from communication with those of Georgia, Lower Alabama, and Mississippi by long stretches of territory inhabited or roamed over by the Cherokees, Creeks, Choctaws, and Chickasaws.

The French communities of Kaskaskia, Vincennes, and Detroit were similarly separated from the people of Virginia, Pennsylvania, and newly settled Ohio by the territory of the hostile Shawnees, Miamis, Wyandots, Pottawatomies, Ottawas, Kickapoos, *et al.*

A cure for all this inconvenience and expense had been sought and given much consideration by the Government authorities.

President Jefferson (as has been previously stated) had, as early as 1803,[1] suggested the propriety of an exchange of lands by those tribes east of the Mississippi for an equal or greater area of territory within the newly acquired Louisiana purchase, and in 1809 had authorized a delegation of Cherokees to proceed to that country with a view to selecting a suitable tract to which they might remove, and to which many of them did remove in the course of the years immediately succeeding.[2]

The matter of a general exchange of lands, however, became the subject of Congressional consideration, and the Committee on Public Lands of the United States Senate reported [3] a resolution for an appropriation to enable the President to negotiate treaties with the Indian tribes which should have for their object an exchange of territory owned by any tribe residing east of the Mississippi for other land west of that river.

The committee expressed the opinion that the proposition contained in the foregoing resolution would be better calculated to remedy the inconvenience and remove the evils arising out of the existing condition of the frontier settlements than any other within the power of the Government. It was admitted, however, that this object could not be attained except by the voluntary consent of the several tribes interested, made manifest through duly negotiated treaties with them.

The Senate was favorable to this proposition, but the House of Representatives interposed a negative upon the action taken by the former body.[4]

Removal of Cherokees encouraged.—The subject had long been under consideration by the Cherokees, and no opportunity had been lost on the part of the executive authorities of the United States to encourage a sentiment among them favorable to the removal scheme. Many individuals of the tribe had already emigrated, and on the 18th of Octo ber, 1816, General Andrew Jackson, in addressing the Secretary of War upon the subject of the recent Cherokee and Chickasaw treaties, suggested his belief that the Cherokees would shortly make a tender of their whole territory to the United States in exchange for lands on the Arkansas River. He further remarked that a council would soon be held by them at Willstown to select a proper delegation who should visit the country west of the Mississippi and examine and report upon its character and adaptability for their needs. In case this report should prove favorable, a Cherokee delegation would thereupon wait upon the President, with authority to agree upon satisfactory terms of exchange. To this the Secretary of War replied that whenever the

[1] Confidential message of President Jefferson to Congress, January 18, 1803.

[2] The letter of President Jefferson authorizing a delegation of Cherokees to visit the Arkansas and White River country was dated January 9, 1809, and will be found in the American State Papers, Indian Affairs, Vol. II, p. 125, as well as among the records of the Indian Office.

[3] January 9, 1817.

[4] Letter of Secretary of War to General Jackson, May 14, 1817.

Cherokee Nation should be disposed to enter into an arrangement for an exchange of the lands occupied by them for lands on the west side of the Mississippi River and should appoint delegates clothed with full authority to negotiate a treaty for such exchange they would be received by the President and treated with on the most liberal terms.

This state of feeling among the Cherokees had been considerably increased by the fact that those of their people who had already settled upon the Arkansas and White Rivers had become involved in territorial disputes of a most serious character with the Osages and Quapaws. The latter tribes claimed ownership of the lands upon which the former were settled Upon the Arkansas Cherokees laying their complaints before the United States authorities, they were informed that nothing could be done for their relief until the main body of the nation should take some definite action, in accordance with previous understanding, toward relinquishing a portion of their territory equal in area to the tract upon which the emigrant party had located.[1]

FURTHER CESSION OF TERRITORY BY THE CHEROKEES.

With a view to reaching a full understanding on this subject, the Secretary of War notified[2] General Andrew Jackson, Governor McMinn, of Tennessee, and General David Merriwether that they had been appointed commissioners for the purpose of holding a treaty with the Cherokees on or about the 20th of June, 1817.[3] In pursuance of these instructions a conference was called and held at the Cherokee Agency, which resulted in the treaty of July 8, 1817.[4] By this treaty the Cherokees ceded two large tracts of country[5] in exchange for one of equal area on the Arkansas and White Rivers adjoining the territory of the

[1] In a letter to Return J. Meigs, under date of September 18, 1816, the Secretary of War says that "the difficulties which have arisen between the Cherokees and the Osages, on the north of the Arkansas, and with the Quapaws, on the south, cannot be finally settled until the line of the cession shall be run and the rights of the Quapaws shall be ascertained. Commissioners appointed by the President are now sitting at Saint Louis for the adjustment of those differences; but should the line of the Osage treaty prove that they are settled upon the Osage lands, nothing can be done for the Cherokees. It is known to you and to that nation that the condition upon which the emigration was permitted by the President was that a cession of Cherokee lands should be made equal to the proportion which the emigrants should bear to the whole nation. This condition has never been complied with on the part of the nation, and of course all obligation on the part of the United States to secure the emigrants in their new possessions has ceased. When the subject was mentioned to the Cherokee deputation last winter, so far were they from acknowledging its force, that they declared the emigrants should be compelled to return."

[2] May 14, 1817.

[3] On the 17th of May, 1817, these commissioners were advised that the lands proposed to be given the Cherokees on the west of the Mississippi River, in exchange for those then occupied by them, were the lands on the Arkansas and immediately adjoining the Osage boundary line.

[4] United States Statutes at Large, Vol. VII, p. 156.

[5] These tracts are designated on the accompanying map as Nos. 23 and 24.

Osages. The Cherokees also ceded two small reservations made by the treaty of January 7, 1806.[1]

The large cession by the first article of the treaty of 1817, though partially in Georgia, was at the time supposed to cover all the territory claimed by the Cherokees within the limits of North Carolina,[2] and was secured in deference to the urgent importunities of the legislature and people of that State. It was subsequently ascertained that this supposition was incorrect.

Majority of Cherokees averse to removal.—During the conference, but before the negotiations had reached any definite result, a memorial was presented to the United States commissioners, signed by sixty-seven of the chiefs and headmen of the nation, setting forth that the delegation of their nation who in 1809 visited Washington and discussed with President Jefferson the proposition for an exchange of lands had acted without any delegated authority on the subject. The memorialists claimed to represent the prevailing feeling of the nation and were desirous of remaining upon and retaining the country of their nativity. They were distressed with the alternative proposals to remove to the Arkansas country or remain and become citizens of the United States. While they had not attained a sufficient degree of civilization to fit them for the duties of citizenship, they yet deprecated a return to the same savage state and surroundings which had characterized their mode of life when first brought in contact with the whites. They therefore requested that the subject should not be further pressed, but that they might be enabled to remain in peaceable possession of the land of their fathers.[3]

The commissioners, however, proceeded with their negotiations, and concluded the treaty as previously set forth, which was finally signed by twenty-two of the chiefs and headmen whose names appeared attached to the memorial, as well as six others, on behalf of the eastern portion of the nation, and by fifteen chiefs representing those on the Arkansas.[4] The treaty was submitted to the Senate, for its advice and consent, at the ensuing session of Congress, and although it encountered the hostility of those Senators who were opposed to the general policy of an exchange of lands with the Indians, and of some who argued, because of the few chiefs who had signed it, that it did not represent the full and free expression of their national assent,[5] that body approved its provisions, and the President ratified and proclaimed it on the 26th of December, 1817.

[1] These tracts are designated on the accompanying map as Nos. 25 and 26.

[2] August 1, 1817, the Secretary of War advised the governor of North Carolina that a treaty with the Cherokees had been concluded, by which the Indian claim was relinquished to a tract of country including the whole of the land claimed by them in North Carolina.

[3] This memorial bore date of July 2, 1817.

[4] United States Statutes at Large, Vol. VII, p. 156.

[5] Letter of Secretary of War to Treaty Commissioners August 1, 1817.

A portion of the Cherokees emigrate west.—Immediately upon the signing of the treaty, the United States authorities, presuming upon its final ratification, took measures for carrying into effect the scheme of emigration. Within a month Agent Meigs reported that over 700 Cherokees had already enrolled themselves for removal the ensuing fall.

The Secretary of War entered into a contract for 60 boats, to be delivered by 1st of November at points between the mouths of the Little Tennessee and Sequatchie Rivers, together with rifles, ammunition, blankets, and provisions;[1] and, under the control and directions of Governor McMinn, of Tennessee, the stream of emigration began to flow, increasing in volume until within the next year over 3,000 had emigrated to their new homes, which numbers had during the year 1819 increased to 6,000.[2]

Persecution of those favorable to emigration.—There can be no question that a very large portion, and probably a majority, of the Cherokee Nation residing east of the Mississippi had been and still continued bitterly opposed to the terms of the treaty of 1817. They viewed with jealous and aching hearts all attempts to drive them from the homes of their ancestors, for they could not but consider the constant and urgent importunities of the Federal authorities in the light of an imperative demand for the cession of more territory. They felt that they were, as a nation, being slowly but surely compressed within the contracting coils of the giant anaconda of civilization; yet they held to the vain hope that a spirit of justice and mercy would be born of their helpless condition which would finally prevail in their favor. Their traditions furnished them no guide by which to judge of the results certain to follow such a conflict as that in which they were engaged.

This difference of sentiment in the nation upon a subject so vital to their welfare was productive of much bitterness and violent animosities. Those who had favored the emigration scheme and had been induced, either through personal preference or by the subsidizing influences of the Government agents, to favor the conclusion of the treaty, became the object of scorn and hatred to the remainder of the nation. They were made the subjects of a persecution so relentless, while they remained in the eastern country, that it was never forgotten, and when,

[1] Letters of Secretary of War to General Jackson and Colonel Meigs, August 9, 1817.

[2] Letter of Governor McMinn to Secretary of War, November 29, 1818, and subsequent correspondence during 1819. Governor McMinn's letter of November 29, 1818, states that 718 families had enrolled for emigration since December 20, 1817, and 146 families had taken reservations, which made in all, including those who had already emigrated, about one-half of the Cherokee Nation as committed to the support of the policy involved in the treaty of 1817.

February 17, 1819, a Cherokee delegation advised the Secretary of War that, while Governor McMinn's enrollment showed the number of Cherokees who had removed or enrolled to go prior to November 15, 1818, to be 5,291, by their calculation the number did not exceed 3,500, and that they estimated the number of Cherokees remaining east of the Mississippi at about 12,544.

in the natural course of events, the remainder of the nation were forced to remove to the Arkansas country and join the earlier emigrants, the old hatreds and dissensions broke out afresh, and to this day they find lodgment in some degree in the breasts of their descendants.

Dissatisfaction with the treaty of 1817.—The dissatisfaction with the treaty of 1817 took shape in the assemblage of a council at Amoha, in the Cherokee Nation, in September of the same year, at which six of the principal men were selected as a deputation to visit the President at Washington and present to him in person a detailed statement of the grievances and indignities to which they had been subjected in greater or less degree for many years and to ask relief and redress.

They were to present, with special particularity, to the President's notice a statement of the improper methods and influences that had been used to secure the apparent consent of the nation to the treaty of 1817. They were authorized to enter into a new treaty with the United States, in lieu of the recent one, in which an alteration might be made in certain articles of it, and some additional article inserted relative to the mode of payment of their annuity as between the Eastern and Arkansas Cherokees.[1]

The delegation was received and interviews were accorded them by the President and Secretary of War, but they secured nothing but general expressions of good will and promises of protection in their rights and property.

TREATY CONCLUDED FEBRUARY 27, 1819; PROCLAIMED MARCH 10, 1819.[2]

Held at Washington City, D. C., between John C. Calhoun, Secretary of War, specially authorized therefor by the President of the United States, and the chiefs and headmen of the Cherokee Nation of Indians.

MATERIAL PROVISIONS.

1. The Cherokee Nation cedes to the United States all of their lands lying north and east of the following line, viz: Beginning on the Tennessee River at the point where the Cherokee boundary with Madison County, in the Alabama Territory, joins the same; thence along the main channel of said river to the mouth of the Highwassee; thence along its main channel to the first hill which closes in on said river, about two miles above Highwassee Old Town; thence along the ridge which divides the waters of the Highwassee and Little Tellico to the Tennessee River at Talassee; thence along the main channel to the junction of the Cowee and Nantey-lee; thence along the ridge in the

[1] The instructions of the Amoha council to the delegation of six bear date of Fortville, Cherokee Nation, September 19, 1817.

[2] United States Statutes at Large, Vol. VII, p. 195.

fork of said river to the top of the Blue Ridge; thence along the Blue Ridge to the Unicoy Turnpike Road; thence by straight line to the nearest main source of the Chestatee; thence along its main channel to the Chattahouchee; and thence to the Creek boundary; it being understood that all the islands in the Chestatee, and the parts of the Tennessee and Highwassee (with the exception of Jolly's Island, in the Tennessee, near the mouth of the Highwassee) which constitute a portion of the present boundary, belong to the Cherokee Nation; and it is also understood that the reservations contained in the second article of the treaty of Tellico, signed the twenty-fifth October, eighteen hundred and five, and a tract equal to twelve miles square, to be located by commencing at the point formed by the intersection of the boundary line of Madison County already mentioned and the north bank of the Tennessee River, thence along the said line and up the said river twelve miles, are ceded to the United States, in trust for the Cherokee Nation, as a school fund, to be sold by the United States, and the proceeds vested as is hereafter provided in the fourth article of this treaty; and also that the rights vested in the Unicoy Turnpike Company by the Cherokee Nation * * * are not to be affected by this treaty.

The foregoing cessions are understood and declared to be in full satisfaction of all claims of the United States upon the Cherokees on account of the cession to a part of their nation who have emigrated or who may emigrate to the Arkansas and as a final adjustment of the treaty of July 8, 1817.

2. The United States agree to pay, according to the treaty of July 8, 1817, for all valuable improvements on land within the country ceded by the Cherokees, and to allow a reservation of 640 acres to each head of a family (not enrolled for removal to Arkansas) who elects to become a citizen of the United States.

3. Each person named in a list accompanying the treaty shall have a reserve of 640 acres in fee simple, to include his improvements, upon giving notice within six months to the agent of his intention to reside permanently thereon. Various other reservations in fee simple are made to persons therein named.

4. The reservations and 12-mile tract reserved for a school fund in the first article are to be sold by the United States and the proceeds invested in good stocks, the interest of which shall be expended in educational benefits for the Cherokees east of the Mississippi.

5. The boundary lines of the land ceded by the first article shall be established by commissioners appointed by the United States and the Cherokees. Leases made under the treaty of 1817 of land within the Cherokee country shall be void. All white people intruding upon the lands reserved by the Cherokees shall be removed by the United States, under the act of March 30, 1802.

6. Annuities shall be distributed in the proportion of two-thirds to those east to one-third to those west of the Mississippi. Should the

latter object within one year to this proportion, a census shall be taken of both portions of the nation to adjust the matter.

7. The United States shall prevent intrusion on the ceded lands prior to January 1, 1820.

8. The treaty shall be binding upon its ratification.

HISTORICAL DATA.

CHEROKEES WEST OF THE MISSISSIPPI—THEIR WANTS AND CONDITION.

Early in 1818 a representative delegation from that portion of the Cherokees who had removed to the Arkansas visited Washington with the view of reaching a more satisfactory understanding concerning the location and extent of their newly acquired homes in that region. As early as January 14 of that year, they had addressed a memorial to the Secretary of War asking, among other things, that the United States should recognize them as a separate and distinct people, clothed with the power to frame and administer their own laws, after the manner of their brethren east of the Mississippi.

Long and patient hearings were accorded to this delegation by the authorities of the Government, and, predicated upon their requests, instructions were issued[1] to Governor William Clark, superintendent of Indian affairs at Saint Louis, among other things, to secure a cessation of hostilities then raging between the Arkansas Cherokees and the Osages; furthermore, to induce, if possible, the Shawnees and Delawares then residing in the neighborhood of Cape Girardeau to relinquish their land and join the Western Cherokees, or, in the event of a favorable termination of the Quapaw treaty then pending, that they might be located on lands acquired from them.

During the year the Arkansas Cherokees had also learned that the Oneidas of New York were desirous of obtaining a home in the West, and had made overtures for their settlement among them.[2] The main object of the Cherokees in desiring to secure these originally eastern Indians for close neighbors is to be found in the increased strength they would be able to muster in sustaining their quarrel with their native western neighbors.

It may be interesting in this connection to note the fact that in 1825 the Cherokees sent a delegation to Wapakoneta, Ohio, accompanied by certain Western Shawnees, whose mission was to induce the Shawnees at that point to join them in the West. Governor Lewis Cass, under instructions from the War Department, held a council at Wapakoneta, lasting nine days,[3] having in view the accomplishment of this end, but it was unsuccessful.

Governor Clark was also advised by his instructions of the desire of

[1] May 8, 1818.

[2] Secretary of War to Reuben Lewis, United States Indian agent, May 16, 1818.

[3] May 16 to 24, inclusive.

the Cherokees to secure an indefinite outlet west, in order that they should not in the future, by the encroachments of the whites and the diminution of game, be deprived of uninterrupted access to the more remote haunts of the buffalo and other large game animals. He was instructed to do everything consistent with justice in the matter to favor the Cherokees by securing from the Osages the concession of such a privilege, it being the object of the President that every favorable inducement should be held out to the Cherokees east of the Mississippi to remove and join their western brethren. This extension of their territory to the west was promised them by the President in the near future, and in the summer of 1819[1] the Secretary of War instructed Reuben Lewis, United States Indian agent, to assure the Cherokees that the President, through the recent accession of territory from the Osages, was ready and willing to fulfill his promise.

Survey of east boundary of Cherokees in Arkansas.—Provision having been made in the treaty of 1817[2] for a definition of the east line of the tract assigned the Cherokees on the Arkansas, Mr. Reuben Lewis, the Indian agent in that section, was designated, in the fall of 1818,[3] to run and mark the line, and upon its completion to cause to be removed, without delay, all white settlers living west thereof, with the single exception mentioned in the treaty.

These instructions to Mr. Lewis miscarried in the mails and did not reach him until the following summer. The line had in the mean time been run by General William Rector, under the authority of the Commissioner of the General Land Office, which survey Mr. Lewis was authorized to accept as the correct boundary provided the Cherokees were satisfied therewith.[4] The field notes of this survey were certified by General Rector April 14, 1819, and show the length of the line from Point Remove to White River to have been 71 miles 55 chains and the course N. 53° E.[5]

Treaty between Cherokees and Osages.—During this interval[6] Governor Clark had succeeded in securing the presence at Saint Louis of representative delegations of both the Osage and Western Cherokee tribes, between whom, after protracted negotiations, he succeeded in establishing the most peaceful and harmonious relations, which were evidenced by all the usual formalities of a treaty.

DISPUTES AMONG CHEROKEES CONCERNING EMIGRATION.

The unhappy differences of mind among the Cherokees east of the Mississippi on the subject of removal, which had been fast approaching

[1] July 22.

[2] United States Statutes at Large, Vol. VII, p. 156.

[3] Letter of Secretary of War to Capt. William Bradford, September 9, 1818.

[4] Secretary of War to Agent Lewis, July 22, 1819.

[5] Field notes and diagram on file in Indian Office.

[6] October 6, 1818.

a climax as a consequence of the treaty of 1817, had been rather stimulated than otherwise by the frequent departure of parties for their new western home, and the constant importunities of the United States and State officials (frequently bearing the semblance of threats) having in view the removal of the entire tribe. The many and open acts of violence practiced by the "home" as against the "emigration" party at length called forth [1] a vigorous letter of denunciation from the Secretary of War to Governor McMinn, the emigration superintendent. After detailing at much length the many advantages that would accrue to the Cherokee Nation by a removal beyond the contaminating influences always attendant upon the contact of a rude and barbarous people with a higher type of civilization, the unselfish and fatherly interest the Government of the United States had always manifested and still felt in the comfort and progress of the Cherokee people, and the great degree of liberality that had characterized its action in securing for the Cherokees in their new homes an indefinite outlet to the bountiful hunting grounds of the West, the Secretary concluded by an expression of the determination on the part of the United States to protect at all hazards from insult and injury to person or property every Cherokee who should express an opinion or take action favorable to the scheme of emigration. He also instructed Governor McMinn to lose no opportunity of impressing upon the minds of the Cherokees that the practical effect of a complete execution of the treaty of 1817 would be, as had been the intention of the Government when it was negotiated, to compel them either to remove to the Arkansas or to accept individual reservations and become citizens of the States within whose limits they respectively resided.

PUBLIC SENTIMENT IN TENNESSEE AND GEORGIA CONCERNING CHEROKEE REMOVAL.

Governor McMinn, being the executive of the State of Tennessee, could hardly be supposed to present the views of the Secretary of War to the Cherokees on the subject of their removal in milder terms or manner than they had been communicated to him. The public officer in that State who should have neglected such an opportunity of compelling the Cherokees to appreciate the benefits of a wholesale emigration to the West would have fared but ill at the polls in a contest for re-election. The people of both Tennessee and Georgia were unalterably determined that the Indians should be removed from their States, and no compromise or temporary expedient of delay would satisfy their demands.

Millions of acres of valuable lands, rich in all the elements that combine to satisfy the necessities and the desires of the husbandman—mountain, valley, and plain—comprising every variety of soil, fertilized by innumerable running streams and clothed with heavy forests of the finest timber, were yet in the possession of the native tribes of this re-

[1] July 29, 1818.

gion. Other lands in great quantities, available for white settlement and occupation, both in Kentucky and the adjoining States, were, it is true, lying idle. In point of soil, water, and timber they were doubtless equal if not superior to the Indian possessions. But the idea was all-prevalent then as it is now in border communities, that, however attractive may be the surrounding districts of public lands open to the inclination of anybody who desires to settle thereon, the prohibited domain of a neighboring Indian reservation must of necessity surpass it, and no application of the principles of reason, philosophy, or justice will serve to lessen the desire for its possession. Governor McMinn convened[1] a council of the Cherokees, at which he presented to them in the strongest light the benefits that would accrue to their nation in the increasing happiness, prosperity, and population such as would attend their removal to the Arkansas, while, on the other hand, nothing but evil could follow their continued residence east of the Mississippi. Their lands would be constantly encroached upon by white settlers; border desperadoes would steal their stock, corrupt their women, and besot their warriors. However anxious the Government might be to protect them in the uninterrupted enjoyment of their present possessions, it would, from the circumstances of the case, be utterly unable to do so. He therefore proposed to them that they should, as a unit, agree to remove west of the Mississippi, and that the United States should pay them for their lands the sum of $100,000, in addition to all expenses of removal; which amount, upon their prompt and indignant refusal, he at once offered to double, but with as small measure of success.

The treaty of 1817 had made provision for the taking of a census of the whole Cherokee people during the month of June of the following year. The census was to form the basis for an equitable distribution of the annuities and other benefits of which the Cherokee Nation was in receipt, between the portion who continued to abide in their eastern homes and those who had removed to the Arkansas country, in proportion to their respective numbers. Pending this enumeration no annuities had been paid them, which produced much annoyance and dissatisfaction among both parties.

In consequence of the hostile and vindictive attitude manifested toward the emigrant party by the remainder of the nation and the many obstacles sought to be thrown in the path of removal, the authorities of the United States had hitherto refused to comply with the census provision of the treaty of 1817. Governor McMinn, after the rejection of both his purchase and his removal propositions, then proposed (in answer to the demand of the Cherokee council that he should cause the census to be taken in the manner provided) that if they would pass a formal vote of censure upon such of their officers as he should name as having violated the treaty by the use of intimidating measures against the Arkansas emigrants, he would cause the work of taking

[1] November 13, 1818.

the census to be at once begun. The council also declined to do this, admitting that if such conduct had characterized any of their officers it was deserving of censure but denying that any proof of the charges had been submitted. They at last, however, as an evidence of their good disposition toward the United States, consented to the removal of one of the offensive officers named from his position as a member of the council, and the Secretary of War authorized[1] the taking of the census to be proceeded with. Governor McMinn, in summing up the results of this council,[2] assumes that about one-half of the nation had already committed themselves to the policy outlined in the treaty of 1817, by the fact that since December 28 of that year 718 families had enrolled themselves for removal (aggregating, with those already removed, 5,291 individuals), besides 146 families who had elected to take reservations in severalty. The lack of tangible results following this council was promptly reported to the Secretary of War by both Governor McMinn and Agent Meigs. The latter advised the authorities[3] that a fully authorized and representative delegation of the Cherokee Nation would shortly proceed to Washington, and that, in his judgment, the nation was rapidly becoming satisfied of their inability to long postpone what to every impartial observer must appear as inevitable—an exchange of their country for a location west of the Mississippi River.

This delegation in due time[4] arrived at the capital, and a series of councils or interviews was at once entered upon between themselves and the Secretary of War, as representing the President. Many and just were the causes of complaint presented to the Secretary by the delegation. The recital of their wrongs, the deep affection manifested for their native hills and streams, and the superstitious dread with which they looked upon removal to a new country as being the decisive step in their dispersion and destruction as a people were calculated to excite the sympathy of an unprejudiced mind. It had long been evident, however, that the simple minded barbarian was unable to cope with the intelligent and persistent demands of civilization, and that, with or without his consent, the advancing host of white settlers would ere many years be in full enjoyment of his present possessions.

TREATY CONCLUDED FOR FURTHER CESSION OF LAND.

After several preliminary discussions concerning the best method of adjusting their difficulties, the Secretary of War submitted to them,[5] in writing, a statement of the basis upon which the United States would enter into a treaty with them, urging prompt action thereon, in order that the Senate might have time to exercise its constitutional functions upon the same prior to its approaching adjournment.

[1] December 29, 1818.
[2] November 29, 1818.
[3] December 19, 1818.
[4] February, 1819.
[5] February 11, 1819.

The salient points of this proposition were that the Cherokees should make a cession of land in proportion to the estimated number of their nation who had already removed or enrolled themselves for removal to the Arkansas; that the United States preferred the cession to be made in Tennessee and Georgia, and that in the latter State it should be as near and convenient to the existing white settlements as was possible; that the reservation which the Cherokees had expressed a desire to make for the benefit of a proposed school fund should be located within the limits of Alabama Territory, inasmuch as the cession to be made in Georgia would, under the provisions of the act of Congress of 1802, belong to that State, and the lands covering the proposed cession in Tennessee would be subject to location by North Carolina military land warrants. Neither was such school reservation to constitute any portion of the land which the Cherokees were to cede in conformity to the principle of exchange embodied in the first paragraph. The United States would continue to extend its protection to both branches of the Cherokee people, but those remaining east of the Mississippi, having expressed a desire that the lands retained by them should be absolutely guaranteed from any danger of future cession, were informed that in order to secure such guarantee it was indispensable that the cessions they were about to make should be ample, and that the portion of territory reserved by them should not be larger than was essential to their wants and convenience. The Secretary reminded them that should a larger quantity be retained it would not be possible, by any stipulation in the treaty, to prevent future cessions; that so long as they retained more land than was necessary or convenient for themselves they would feel inclined to sell and the United States to purchase. He commented on the fact that they were rapidly becoming like the white people, and could not longer live by hunting, but must work for their subsistence. In their new condition of life far less land would be essential to their happiness. Their great object should be to hold their land by severalty titles and to gradually adopt the manners and laws of life which prevailed among their white neighbors. It was only thus that they could be prosperous and happy, and neglect to accept and profit by the situation would inevitably result in their removal or extinction.

The question as to the area of territory that should be ceded as the equitable proportion of the Arkansas Cherokees formed the subject of much dispute. The Eastern Cherokees denied the accuracy of the emigration roll of Governor McMinn, and asserted that, instead of 5,291 emigrants, as stated by him, there had actually been not exceeding 3,500, while the non-emigrant portion of the nation they gave as numbering 12,544, or more than three-fourths of the entire community.[1]

It being impossible to reconcile these radical differences of estimate and the Indians becoming wearied and discouraged with the persistent importunities of the United States officials, they consented to the

[1] Cherokee delegation to Secretary of War, February 17, 1819.

cession of those tracts of country naively described in the treaty of February 27, 1819,[1] as "*at least as extensive*" as that to which the United States was entitled under the principles and provisions of the treaty of 1817. These cessions were made, as recited in the preamble to the treaty, as the commencement of those measures necessary to the civilization and preservation of their nation, and in order that the treaty of July 8, 1817, might, without further delay or the trouble or expense of taking the census therein provided for, be finally adjusted. It was also agreed that the distribution of annuities should be made in the proportion of two to one in favor of the Eastern Cherokees (it being assumed that about one-third of the nation had gone west), with the proviso that if the Arkansas Cherokees should offer formal objection to this ratio within one year after the ratification of the treaty, then a census, solely for the purpose of making a fair distribution of the annuity, should be taken at such time and in such manner as the President of the United States should designate. All leases of any portion of the territory reserved to the Cherokees were declared void, and the removal of all intruders upon their lands was promised, to which latter end an order was issued requiring such removal to take place on or before July 1, 1819.

Thus was concluded the treaty of February 27, 1819, which was promptly and favorably acted upon by the Senate and ratified and proclaimed by the President on the 10th of March following. The gist of such provisions of importance as are not detailed in these historical notes will be found by reference to the abstract preceding them.

Immediately upon the approval of the treaty by the Senate, the Secretary of War notified Governor McMinn[2] of the fact, directing him to give no further encouragement to emigration to the Arkansas, but to proceed at once to wind up the business under the treaty of 1817.

Survey of boundaries.—Preparations were at once made for surveying and marking the lines of the cessions. Hon. Wilson Lumpkin, who was engaged in running the line between East Florida and the State of Georgia, was directed[3] to suspend that work, and designated to survey the line of cession, commencing at the point where the Unicoi Turnpike crossed the Blue Ridge, and thence to the nearest main source of the Chestatee, and also to lay off the individual reservations that should be selected within the State of Georgia.

The following day[4] Robert Houston was appointed to run the line of the cession within the State of Tennessee, commencing on the Highwassee River about 2 miles above Highwassee Old Town, as well as to survey the individual reservations within that State, and also the tracts reserved in North Carolina and Alabama Territory.

Mr. Houston performed his services as a surveyor to the satisfaction

[1] United States Statutes at Large, Vol. VII, p. 195.
[2] March 6, 1819.
[3] March 11, 1819.
[4] March 12, 1819.

of all parties;[1] but in running the line from the Unicoi Turnpike crossing of the Blue Ridge to the nearest main source of the Chestatee, a dispute arose between Mr. Lumpkin and the Cherokees as to which was the nearest main source of that river, the Frogtown or the Tessentee Fork. The surveyor ran the line to the source of the first named fork, while the Indians insisted that the latter was the proper stream, and demanded a re-examination of the survey. Agent Meigs having, however, reported[2] in favor of the correctness of the survey, it was allowed to stand.[3]

STATUS OF CERTAIN CHEROKEES.

Early in the year 1820[4] complaints began to arise as to the status of those Cherokees who had made their election to remove to the Arkansas country but had subsequently concluded to remain east. These, it was stated, numbered 817, and they found themselves placed in rather an anomalous situation. Their proportion of the Cherokee national domain had been ceded to the United States by the treaties of 1817 and 1819 Their share of annuities was being paid, under the treaty of 1819, to the Cherokees of the Arkansas. Their right to individual reservations under either treaty was denied, and they were not even allowed to vote, hold office, or participate in any of the affairs of the nation.

In this condition they soon became an element of much irritation in the body politic of the tribe. The Cherokee authorities urged that they should be furnished with rations and transportation to their brethren in the West, whither they were now willing to remove, but the Secretary of War instructed Agent Meigs[5] that emigration to the Arkansas under the patronage of the Government had ceased, and that those Cherokees who had enrolled themselves for removal but had not yet gone, as well as all others thereafter determining to go, must do so at their own expense.

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[1] Mr. Houston began his survey at the point where the first hill closes in on Hiwassee River, which he found to be 2½ miles above Hiwassee Old Town. He also states in his report that he found no ridge dividing the waters of Hiwassee from those of Little River. This line from the Hiwassee River to the Tennessee River at Talassee was 46 miles and 300 poles in length. It was begun May 28 and completed June 12, 1819. The line from the junction of Cowee and Nauteyalee Rivers to the Blue Ridge was begun June 12 and completed June 18, 1819, and was 36 miles long. His report, with accompanying map, was communicated to the Secretary of War with letter dated July 30, 1819. A copy of the field notes may be found in American State Papers, Indian Affairs, Vol. II, pp. 192 and 193.

[2] July 24, 1820.

[3] Secretary of War to Agent Meigs, August 14, 1820.

[4] February 9. See letter of Return J. Meigs to Secretary of War.

[5] June 15, 1820.

TREATY CONCLUDED MAY 6, 1828.—PROCLAIMED MAY 28, 1828.[1]

Held at Washington City, D. C., between James Barbour, Secretary of War, specially authorized therefor by the President of the United States, and the chiefs and headmen of the Cherokee Nation west of the Mississippi.

MATERIAL PROVISIONS.

The preamble recites the desire of the United States to secure to the Cherokees, both east and west of the Mississippi, a permanent home, "that shall never in all future time be embarrassed by having extended around it the lines or placed over it the jurisdiction of a Territory or State, nor be pressed upon by the extension in any way of any of the limits of any existing Territory or State."

It also assumes that their actual surroundings, both east and west of such river, were unadapted to the accomplishment of such a purpose, and therefore the following articles of agreement were made:

1. The western boundary of Arkansas shall be * * * viz: A line shall be run commencing on Red River at the point where the Eastern Choctaw line strikes said river, and run due north with said line to the river Arkansas; thence in a direct line to the southwest corner of Missouri.

2. The United States agree to possess the Cherokees, and to guarantee it to them forever, * * * of seven million of acres of land, to be bounded as follows, viz: Commencing at that point on Arkansas River where the eastern Choctaw boundary lines strikes said river, and running thence with the western line of Arkansas, as defined in the foregoing article, to the southwest corner of Missouri, and thence with the western boundary line of Missouri till it crosses the waters of Neasho, generally called Grand River; thence due west to a point from which a due-south course will strike the present northwest corner of Arkansas Territory; thence continuing due south on and with the present western boundary line of the Territory to the main branch of Arkansas River; thence down said river to its junction with the Canadian River, and thence up and between the said rivers Arkansas and Canadian to a point at which a line running north and south from river to river will give the aforesaid seven million of acres.

In addition to the seven millions of acres thus provided for and bounded, the United States guarantee to the Cherokee Nation a perpetual outlet west, and a free and unmolested use of all the country lying west of the western boundary of the above described limits and as far west as the sovereignty of the United States and their right of soil extend.

3. The United States agree to survey the lines of the above cession

[1] United States Statutes at Large, Vol. VII, p. 311.

without delay, and to remove all white settlers and other objectionable people living to the west of the east boundary of the Cherokee tract.

4. The United States agree to appraise and pay the value of all Cherokee improvements abandoned by the latter in their removal; also to sell the property and improvements connected with the agency, for the erection of a grist and saw mill in their new home.

5. The United States agree to pay the Cherokees $50,000 as the difference in value between their old and their new lands; also an annuity for three years of $2,000 to repay cost and trouble of going after and recovering stray stock; also $8,760 in full for spoliations committed on them by the Osages or citizens of the United States; also $1,200 for losses sustained by Thomas Graves, a Cherokee chief; also $500 to George Guess, the discoverer of the Cherokee alphabet, as well as the right to occupy a saline; also an annuity of $2,000 for ten years to be expended in the education of Cherokee children; also $1,000 for the purchase of printing press and type; also, the benevolent society engaged in instructing Cherokee children to be allowed the amount expended by it in erection of buildings and improvements; also, the United States to release the indebtedness of the Cherokees to the United States factory to an amount not exceeding $3,500.

6. The United States agree to furnish the Cherokees, when they desire it, a system of plain laws and to survey their lands for individual allotment.

7. The Cherokees agree within fourteen months to leave the lands in Arkansas assigned them by treaties of January 8, 1817, and February 27, 1819.

8. Each head of a Cherokee family east of the Mississippi desiring to remove to the country described in the second article hereof to be furnished by the United States with a good rifle, a blanket, a kettle, five pounds of tobacco, and compensated for all improvements he may abandon; also a blanket to each member of his family. The United States to pay expenses of removal and to furnish subsistence for one year thereafter. Each head of family taking with him four persons to receive $50.

9. The United States to have a reservation 2 by 6 miles at Fort Gibson, with the right to construct a road leading to and from the same.

10. Capt. James Rogers to have $500 for property lost and services rendered to the United States.

11. Treaty to be binding when ratified.

NOTE.—The Senate consented to the ratification of this treaty with the proviso that the "western outlet" should not extend north of 36°, nor to interfere with lands assigned or to be assigned to the Creeks; neither should anything in the treaty be construed to assign to the Cherokees any lands previously assigned to any other tribe.

HISTORICAL DATA.

RETURN J. MEIGS AND THE CHEROKEES.

Return J. Meigs had for nearly twenty years[1] occupied the position of United States agent for the Cherokee Nation. As a soldier of the Revolutionary war he had marched with Arnold through the forests of Maine and Canada to the attack on Quebec in 1775.[2]

He had also, by his faithful, intelligent, and honest administration of the duties of his office as Indian agent, secured the perfect confidence of his official superiors through all the mutations of administration. He had acquired a knowledge of and familiarity with the habits, character, and wants of the Cherokees such as was perhaps possessed by few, if indeed by any other man.

Any suggestions, therefore, that he might make concerning the solution of the Cherokee problem were deserving of grave consideration. His views were submitted in detail upon the condition, prospects, and requirements of the Cherokee Nation in a communication to the Secretary of War.[3] To his mind the time had arrived when a radical change in the policy of managing their affairs had become essential. Ever since the treaty of 1791 the United States, in pursuance of a policy therein outlined for leading the Cherokees toward the attainment of a higher degree of civilization, in becoming herdsmen and cultivators instead of hunters, had been furnishing each year a supply of implements for husbandry and domestic use. In consequence a respectable proportion of that nation had become familiarized with the use of the plow, spade, and hoe. Many of their women had learned the art of spinning

[1] Meigs was appointed, May 15, 1801, superintendent of Indian affairs for the Cherokee Nation and agent for the War Department in the State of Tennessee.

[2] Letter of Meigs to General Wilkinson, dated Marietta, Ohio, February 10, 1801. This letter is in reply to one received from General Wilkinson, in which the latter, among other things, inquires if he can in any way serve the former. Meigs replies: "I will answer these kind inquiries truly. In the first place, I enjoy excellent health; in the next place, I am doing what I can at farming business, endeavoring to maintain a credible existence by industry. I have been for more than two years one of the Territorial legislators; this, though credible, is not profitable. My principal dependence for living is on the labor of my own hands. I am confident, sir, you *can serve* me, as you are conversant with every department of the Government and may know what places can be had and whether I am capable of being usefully employed. I don't care what it is, whether civil or military or where situated, provided it be an object which you shall think proper for me. I don't know Mr. Jefferson; have always revered his character as a great and good man. I am personally acquainted with Colonel Burr. He ascended the river Kennebeck as a volunteer in the year 1775 and was with me in the Mess a great part of that march to Canada. I think I have his friendship, but he is not yet, perhaps, in a situation to assist me." Colonel Meigs was also a member of the court-martial convened for the trial of General Arthur St. Clair for the evacuation of Ticonderoga. He died at his post of duty in February, 1823, as shown by a letter to the Secretary of War from ex-Governor McMinn, dated the 22d of that month.

[3] May 30, 1820.

and weaving, and in individual instances considerable progress had been made in the accumulation of property. Agent Meigs now thought that the point had been reached where the Cherokee people should begin to fight their own battles of life, and that any further contributions to their support, either in the shape of provisions or tools, would have only a tendency to render them more dependent upon the Government and less competent to take care of themselves. Those who were already advanced in the arts of civilized life should be the tutors of the more ignorant. They possessed a territory of perhaps 10,000,000 acres of land, principally in the States of Georgia, North Carolina, and Tennessee, for the occupation of which they could enumerate little more than 10,000 souls or 2,000 families. If they were to become an agricultural and pastoral people, an assignment of 640 acres of land to each family would be all and more than they could occupy with advantage to themselves. Such an allotment would consume but 1,280,000 acres, leaving more than 8,000,000 acres of surplus land which might and ought to be sold for their benefit, and the proceeds (which he estimated at $300,000, to be paid in fifty annual installments) applied to their needs in the erection of houses, fences, and the clearing and breaking up of their land for cultivation. The authority and laws of the several States within whose limits they resided should become operative upon them, and they should be vested with the rights, privileges, and immunities of citizens of those States. These views met with the concurrence of the administration, and would possibly have been carried into effect but for the intense hostility thereto of not only the unprogressive element among the Cherokees themselves but of the officials and people of the States most interested, who could not view with complacency the permanent occupation of a single acre of land within their limits by the aboriginal owners.

TENNESSEE DENIES THE VALIDITY OF CHEROKEE RESERVATIONS.

About this time trouble arose between the authorities of the State of Tennessee and the surveyor (Robert Houston) who had been intrusted with the duty of laying off such individual reservations as should be taken under the provisions of the treaties of 1817 and 1819. Mr. Houston reported to the Secretary of War that the legislature of Tennessee had refused to confirm all such reservations taken in virtue of the provisions of those treaties subsequent to the 1st of July, 1818, or, in other words, after the time provided for taking the Cherokee census had expired, and desired the opinion and instructions of the Department thereon. The question involved in this dispute was deemed of sufficient importance to secure an official opinion from the Attorney-General prior to directing any further action.[1] An opinion was rendered[2] by Attorney-General Wirt, the substance of which was that the right of taking these reservations having been in the first instance given by

[1] Letter of Secretary of War to Attorney-General, July, 26, 1820.
[2] August 12, 1820.

the treaty of 1817 until the census should be taken, and the time for taking the census having been, by the acquiescence of both parties to the treaty, kept open until the conclusion of the treaty of February 27, 1819, all the reservations taken prior to this latter date were legal, more especially as they had been ratified by the recognition of them contained in the treaty of 1819. Furthermore, the second article of that treaty, taken in connection with the seventh article, continued the period for taking reservations until the 1st of January, 1820. Mr. Houston was instructed[1] to proceed to lay off the reservations in consonance with this opinion, notwithstanding which the authorities of Tennessee took issue therewith and passed a law providing for the sale of the disputed reserves, whereupon the War Department instructed[2] Agent Meigs to cause one or two test cases to be prepared for trial in the courts.

While on the subject of these reservations it is pertinent to remark that by act of March 3, 1823, Congress appropriated $50,000 to be expended in extinguishing the Indian title to such individual fee simple reservations as were made within the limits of Georgia by the Cherokee treaties of 1817 and 1819 and by the Creek treaties of 1814 and 1821. James Merriwether and Duncan G. Campbell were appointed as commissioners to carry the same into effect. Twenty-two thousand dollars were also appropriated May 9, 1828, to reimburse the State of North Carolina for the amount expended by her authorities in extinguishing Cherokee reservation titles in that State under the treaties of 1817 and 1819.

UNITED STATES AGREE TO EXTINGUISH INDIAN TITLE IN GEORGIA.

By an agreement between the United States and the State of Georgia bearing date April 24, 1802,[3] Georgia ceded to the United States all the lands lying south of Tennessee and west of Chattahoochee River and a line drawn from the mouth of Uchee Creek direct to Nickojack, on the Tennessee River. In consideration of this cession the United States agreed to pay Georgia $1,250,000, and to extinguish the Indian title whenever the same could be done on peaceable and reasonable terms; also to assume the burden of what were known as the Yazoo claims.

Georgia charges the United States with bad faith.—Ever since the date of this agreement the utmost impatience had been manifested by the Government and the people of the State of Georgia at the deliberate and careful course which had characterized the action of the General Government in securing relinquishment of their lands in that State from the Creeks and Cherokees. Charges of bad faith on the part of the United States, coupled with threats of taking the matter into their own

[1] August 14, 1820.
[2] March 7, 1821.
[3] American State Papers, Public Lands, Vol. I, p. 125.

hands, had been published in great profusion by the Georgians. These served only to enhance the difficulties of the situation and to excite a stubborn resistance in the minds of the Indians against any further cessions of territory.

Report of Congressional committee.—The subject was brought to the attention of Congress through the action of the governor and legislature of Georgia. A select committee was appointed by the House of Representatives, at the first session of the Seventeenth Congress, to take the matter into consideration and to report whether the said articles of agreement between that State and the United States had so far been executed according to the terms thereof, and what were the best means of completing the execution of the same. This committee submitted a report to the House,[1] wherein, after reciting the terms of the agreement, allusion is made to the Creek treaty of 1814, and the opinion expressed that the agreement might have been more satisfactorily complied with by demanding the cession at that treaty of the Creek lands within Georgia's limits, instead of accepting in large measure those within the Territory of Alabama. The Indians were by this action forced, in the opinion of the committee, within the limits of Georgia, instead of being withdrawn therefrom.

Respecting the Cherokee treaty of July 8, 1817, the committee say that some time previous to its conclusion the Cherokees had represented to the President that their upper and lower towns wished to separate; that the Upper Cherokees desired to be confined to a smaller section of country and to engage in the pursuits of agriculture and civilized life; that the Lower Cherokees preferred continuing the hunter's life, and, owing to the scarcity of game in their own country, proposed to exchange it for land on the west of the Mississippi River; that to carry into effect these wishes of the Indians the treaty of 1817 was held, and the United States then had it in their power to have so far complied with their contract with Georgia as to have extinguished the title of the Cherokees to most of their lands within the limits of that State; that this could readily have been done, for the reason that the Upper Cherokees resided beyond the boundaries of Georgia, and had expressed a desire to retain lands on the Hiwassee River, in Tennessee, whilst the Lower Cherokees, who were desirous of emigrating west, mostly resided in the former State. But, in spite of this opportunity, the United States had purchased an inconsiderable tract of country in Georgia and a very considerable one in Tennessee, apparently in opposition to the wishes of the Indians, the interests of Georgia, and of good faith in themselves. By this treaty the United States had also granted a reservation of 640 acres to each head of an Indian family who should elect to remain on the eastern side of the Mississippi. This the committee viewed as an attempt on the part of the United States to grant lands in fee simple within the limits of Georgia in direct

[1]January 7, 1822.

violation of the rights of that State. The provision permitting Cherokees to become citizens of the United States was also characterized as an unwarrantable disregard of the rights of Congress. It was further asserted that by the treaty of 1819 the United States had shown a disposition and determination to permanently fix the Cherokee Indians upon the soil of Georgia, and thereby render it impossible to comply with their contract with that State. Yet another feature of this treaty too objectionable to be overlooked was the agreement of the United States that 12 miles square of land ceded by the Indians should be disposed of and the proceeds invested for the establishment of a school fund for those Indians. In conclusion the committee suggested that in order to a proper execution of the agreement with Georgia it would be necessary for the United States to relinquish the policy they had apparently adopted with regard to civilizing the Indians and keeping them permanently on their lands, at least in respect to the Creeks and Cherokees, and that appropriations should be made from time to time sufficiently large to enable the Government to hold treaties with those Indians for the extinguishment of their title.

Commissioners appointed to negotiate a new treaty.—Stimulated by the sentiments so strongly expressed in this report of a committee of the House of Representatives, the executive authorities determined to make another effort to secure a further cession of territory from the Cherokees.

Accordingly the President appointed[1] General John Floyd, Maj. Freeman Walker, and Hon. J. A. Cuthbert, all of Georgia, commissioners to negotiate a treaty with that nation, and advised them of his earnest desire that a cession should be secured from the Indians such as would prove satisfactory to that State. Messrs. Walker and Cuthbert declined their appointments, and Duncan G. Campbell and General David Merriwether were appointed[2] in their places. General Merriwether dying shortly after, was succeeded by Maj. James Merriwether, whom it had been the original intention to appoint, but for whose name that of General Merriwether had been inserted in the primary appointment through mistake. Before any active steps had been taken toward the performance of the duties assigned the commission, General Floyd resigned,[3] and the President determined to allow the remaining two members to constitute the full commission. Their appointment was submitted to and approved[4] by the Senate, and in the transmission of their new commissions by the Secretary of War perseverance and judicious management were enjoined upon them as essential to success in their negotiations. It would seem that all their perseverance was needed, for the commissioners were unable to secure even an interview with the Cherokee authorities until a date and place had been designated for the fourth time.

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[1] June 15, 1822.
[2] August 24, 1822.
[3] November 19, 1822.
[4] March 17, 1823.

Death of Agent Meigs.—About this time[1] Agent Meigs, who since 1801 had represented the Government with the Cherokees, died, and ex-Governor McMinn, of Tennessee, was appointed[2] to succeed him.

Failure to conclude proposed treaty.—The treaty commissioners finally met the council of the Cherokee Nation at Newtown, their capital, on the 4th of October, 1823.[3] They were also accompanied by Johnson Wellborn and James Blair, who had been appointed by the governor of Georgia as commissioners to advance the interests and protect the rights of that State. The negotiations were all conducted in writing, and form an interesting chapter in the history of the methods used throughout a long series of years to secure from the Cherokees, by "voluntary, peaceful, and reasonable means," the relinquishment of their ancestral territory. The commissioners set forth their desire to procure the cession of a tract of country comprising all to which the Cherokees laid claim lying north and east of a line to begin at a marked corner at the head of Chestatee River, thence along the ridge to the mouth of Long Swamp Creek, thence down the Etowah River to the line to be run between Alabama and Georgia, thence with that line to the dividing line between the Creeks and Cherokees, and thence with the latter line to the Chattahoochee. In consideration of this proposed cession, the commissioners agreed that the United States should pay the sum of $200,000 and also indemnify the nation against the Georgia depredation claims, as well as the further sum of $10,000 to be paid immediately upon the signing of the treaty.

To this proposition, in spite of the threatening language used by the commissioners, the Indians invariably and repeatedly returned the answer, "We beg leave to present this communication as a positive and unchangeable refusal to dispose of one foot more of land."[4]

The commissioners, seeing the futility of further negotiations, adjourned *sine die*,[5] and a report of their proceedings was made by Commissioner Campbell thirty days later, Major Merriwether having in the mean time resigned.

Cherokees ask protection against Georgia's demands.—Shortly following these attempted negotiations, which had produced in the minds of the Indians a feeling of grave uneasiness and uncertainty, a delegation of Cherokees repaired to Washington for a conference with the President touching the situation. Upon receiving their credentials, the Secretary of War sounded the key-note of the Government's purpose by asking if they had come authorized by their nation to treat for a further relinquishment of territory. To this pointed inquiry the delegation returned a respectful and earnest memorial,[6] urging that their nation

[1] February, 1823.

[2] March 17, 1823.

[3] Report of commissioners on file in Office Indian Affairs.

[4] See correspondence between commissioners and Cherokee council. American State Papers, Indian Affairs, Vol. II, pp. 465–473.

[5] October 28, 1823.

[6] January 19, 1824. This memorial is signed by John Ross, George Lowrey, Major Ridge, and Elijah Hicks, as the Cherokee delegation.

labored under a peculiar inconvenience from the repeated appropriations made by Congress for the purpose of holding treaties with them having in view the further purchase of lands. Such action had resulted in much injury to the improvement of the nation in the arts of civilized life by unsettling the minds and prospects of its citizens. Their nation had reached the decisive and unalterable conclusion to cede no more lands, the limits preserved to them by the treaty of 1819 being not more than adequate to their comfort and convenience. It was represented as a gratifying truth that the Cherokees were rapidly increasing in number, rendering it a duty incumbent upon the nation to preserve, unimpaired to posterity, the lands of their ancestors. They therefore implored the interposition of the President with Congress in behalf of their nation, so that provision might be made by law to authorize an adjustment between the United States and the State of Georgia, releasing the former from its compact with the latter so far as it respected the extinguishment of the Cherokee title to land within the chartered limits of that State.

The response[1] of the Secretary of War to this memorial was a reiteration of the terms of the compact with Georgia and of the zealous desire of the President to carry out in full measure the obligations of that compact. The manifest benefits and many happy results that would inure to the Cherokee Nation from an exchange of their country for one beyond the limits of any State and far removed from the annoying encroachments of civilization were pictured in the most attractive colors, but all to no purpose, the Cherokees only maintaining with more marked emphasis their original determination to part with no more land. Seeing the futility of further negotiations, the Secretary of War addressed[2] a communication to the governor of Georgia advising him of the earnest efforts that had been made to secure further concessions from the Cherokees and of the discouraging results, and inviting an expression of opinion from him upon the subject.

Governor Troup's threatening demands.—Governor Troup lost no time in responding to this invitation by submitting[3] a declaration of views on behalf of the government and people of the State of Georgia, the vigorously aggressive tone of which in some measure perhaps compensated for its lack of logical force. After censuring the General Government for the tardiness and weakness that had characterized its action on this subject throughout a series of years and denying that the Indians were anything but mere tenants at will, he laid down the proposition that Georgia was determined at all hazards to become possessed of the Cherokee domain; that if the Indians persisted in their refusal to yield, the consequences would be that the United States must either assist the Georgians in occupying the country which is their own and

[1] January 30, 1824.
[2] February 17, 1824.
[3] February 28, 1824.

which is unjustly withheld from them, or, in resisting the occupation, to make war upon and shed the blood of brothers and friends. He further declared that the proposition to permit the Cherokees to reserve a portion of their land within that State for their future home could not be legitimately entertained by the General Government except with the consent of Georgia; that such consent would never be given; and, further that the suggestion of the incorporation of the Indians into the body politic of that State as citizens was neither desirable nor practicable. The conclusion of this remarkable state paper is characterized by a broadly implied threat that Georgia's fealty to the Union would be proportioned to the vigor and alertness with which measures were adopted and carried into effect by the United States for the extinguishment of the Cherokee title.

Response of President Monroe.—These criticisms by the executive of Georgia, which were sanctioned and in large measure reiterated by the legislature and by the Congressional delegation of that State,[1] called forth[2] from President Monroe a message to Congress upon the subject in defense of the course that had been pursued by the executive authorities of the United States. Accompanying this message was a report[3] from John C. Calhoun, Secretary of War, wherein it is alleged that at the date of the compact of 1802 between the United States and Georgia the two Indian nations living within the limits of that State (the Creeks and the Cherokees) were respectively in possession of 19,578,890 and 7,152,110 acres of territory. At the date of such compact, treaties existed between the United States and those tribes defining the limits of their territories. In fulfillment of the stipulation with Georgia, seven treaties had been held with them, five of which were with the Creeks and two with the Cherokees. The lands thus acquired from the former in Georgia amounted to 14,449,480 acres and from the latter to 995,310 acres. In acquiring these cessions for the State of Georgia the United States had expended $958,945.90, to which should be added the value of the 995,310 acres given by the Cherokees in exchange for lands west of the Mississippi, the estimated value of which, at the minimum price of public lands, would amount to $1,244,137.50. The United States had also (in addition to $1,250,000 paid to Georgia as a part of the original consideration) paid to the Yazoo claimants, under the same compact, $4,282,-151.12, making in the aggregate $7,735,243.52, which sum did not include any portion of the expense of the Creek war, whereby upwards of 7,000,000 acres were acquired for the State of Georgia.[4]

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[1] Letter of Georgia delegation to Congress, March 10, 1824. Memorial of Georgia legislature to Congress, December 18, 1823.

[2] March 30, 1824.

[3] March 29, 1824.

[4] This Creek war was in large measure, if not wholly, superinduced by the unlawful and unjust aggressions by citizens of that State upon the rights and territory of the Creeks. Foreign emissaries, however, it is true, encouraged and inflamed the just indignation of the Creeks against the Georgians to the point of armed resistance.

The President expressed it as his opinion that the Indian title was not in the slightest degree affected by the compact with Georgia, and that there was no obligation resting on the United States to remove the Indians by force, in the face of the stipulation that it should be done *peaceably* and on *reasonable* conditions. The compact gave a claim to the State which ought to be executed in all its conditions with good faith. In doing this, however, it was the duty of the United States to regard its strict import, and to make no sacrifice of their interest not called for by the compact, nor to commit any breach of right or humanity toward the Indians repugnant to the judgment and revolting to the feelings of the whole American people. The Cherokee agent, Ex-Governor McMinn, was shortly afterward ordered,[1] "without delay and in the most effectual manner, forthwith to expel white intruders from Cherokee lands."

Alarm of the Cherokees and indignation of Georgia.—The views expressed by the governor and legislature of Georgia upon this subject were the cause of much alarm among the Cherokees, who, through their delegation, appealed[2] to the magnanimity of the American Congress for justice and for the protection of the rights, liberties, and lives of the Cherokee people. On the other hand, the doctrines enunciated in President Monroe's special message, quoted above, again aroused the indignation of the governor of Georgia, who, in a communication[3] to the President, commented with much severity upon the bad faith that for twenty years had characterized the conduct of the executive officers of the United States in their treatment of the matter in dispute.

Message of President John Quincy Adams.—Every day but added acrimonious intensity to the feelings of the officials and people of Georgia. Their determination to at once possess both the Creek and the Cherokee territory within her chartered limits would admit of no delay or compromise. Following the Creek treaty of 1826, her surveyors were promptly and forcibly introduced into the ceded country, in spite of an express provision of the treaty forbidding such action prior to the 1st of January, 1827. So critical was the state of affairs considered to be that President John Quincy Adams invited the attention of Congress to the subject in a special message.[4] Therein the President declared that it ought not to be disguised that the act of the legislature of Georgia, under the construction given to it by the governor of that State, and the surveys made or attempted by his authority beyond the boundary secured by the treaty of 1826 to the Creek Indians, were in direct violation of the supreme law of the land, set forth in a treaty which had received all the sanctions provided by the Constitution; that happily distributed as the sovereign powers of the people of this Union had been between their general and State governments, their history had already too often presented collisions between these divided author-

[1] May 3, 1824.
[2] April 16, 1824.
[3] April 24, 1824.
[4] February 5, 1827.

ities with regard to the extent of their respective powers. No other case had, however, happened in which the application of military force by the Government of the Union had been suggested for the enforcement of a law the violation of which had within any single State been prescribed by a legislative act of that State. In the present instance it was his duty to say that if the legislative and executive authorities of the State of Georgia should persevere in acts of encroachment upon the territories secured by a solemn treaty to the Indians and the laws of the Union remained unaltered, a superadded obligation, even higher than that of human authority, would compel the Executive of the United States to enforce the laws and fulfill the duties of the nation by all the force committed for that purpose to his charge.

CHEROKEE PROGRESS IN CIVILIZATION.

Notwithstanding the many difficulties that had beset their paths and the condition of uncertainty and suspense which had surrounded their affairs for years, the Cherokees seem to have continued steadily in their progress toward civilization.

The Rev. David Brown, who in the fall of 1825 made an extended tour of observation through their nation, submitted, in December[1] of that year, for the information of the War Department, an extended and detailed report of his examination, from which it appeared that numberless herds of cattle grazed upon their extensive plains; horses were numerous; many and extensive flocks of sheep, goats, and swine covered the hills and valleys; the climate was delicious and healthy and the winters were mild; the soil of the valleys and plains was rich, and was utilized in the production of corn, tobacco, cotton, wheat, oats, indigo, and potatoes; considerable trade was carried on with the neighboring States, much cotton being exported in boats of their own to New Orleans; apple and peach orchards were quite common; much attention was paid to the cultivation of gardens; butter and cheese of their own manufacture were seen upon many of their tables; public roads were numerous in the nation and supplied at convenient distances with houses of entertainment kept by the natives; many and flourishing villages dotted the country; cotton and woolen cloths were manufactured by the women and home-made blankets were very common; almost every family grew sufficient cotton for its own consumption; industry and commercial enterprise were extending themselves throughout the nation; nearly all the merchants were native Cherokees; the population was rapidly increasing, a census just taken showing 13,563 native citizens, 147 white men and 73 white women who had intermarried with the Cherokees, and 1,277 slaves; schools were increasing every year, and indolence was strongly discountenanced; the nation had no debt, and the revenue was in a flourishing condition; a printing press was soon to be established, and a national library and museum were in contemplation.

[1] Letter of Rev. David Brown to Thomas L. McKenney, December 13, 1825.

FAILURE OF NEGOTIATIONS FOR FURTHER CESSION OF LANDS.

On the 2d of March, 1827,[1] Congress passed an act authorizing the President to open negotiations with the Cherokees for the extinguishment of their title to such lands as were claimed by them within the limits of the State of North Carolina, and also for such quantity of land as should be necessary in the building of a canal to connect the Hiwassee and Canasauga Rivers.

Ten thousand dollars were appropriated to defray the expenses of such negotiations, and Generals John Cocke, G. L. Davidson, and Alexander Grey were[2] appointed commissioners to conduct the same. Their negotiations were barren of results, as were also those of Maj. F. W. Armstrong, who in the following year[3] was dispatched on a similar mission.

THE CHEROKEE NATION ADOPTS A CONSTITUTION.

At a general convention of delegates, "duly authorized for that purpose," held at New Echota, in the Cherokee Nation, July 26, 1827, a constitution was adopted for the nation, predicated upon their assumed sovereignty and independence as one of the distinct nations of the earth. Such an instrument could not fail of exciting to the highest pitch the feelings and animosity of the authorities and people of Georgia.

Georgia's opinion of the Indian title.—Governor Forsyth inclosed[4] a copy of the "presumptuous" document to the President, at the same time desiring to know what the United States proposed to do about the "erection of a separate government within the limits of a sovereign State."

He also inclosed the report of a committee and the resolutions of the legislature of Georgia predicated thereon as exhibiting the sentiments of that body on the subject. This committee, in reporting to the legislature the results of their investigations, assert that anterior to the Revolutionary war the Cherokee lands in Georgia belonged to Great Britain, and that the right as to both domain and empire was complete and perfect in that nation. The possession by the Indians was permissive. They were under the protection of Great Britain. Their title was temporary, being mere tenants at will, and such tenancy might have been determined at any moment either by force or by negotiation, at the pleasure of that power. Upon the close of the Revolution, Georgia assumed all the rights and powers in relation to the lands and Indians in question previously belonging to Great Britain, and had not since divested herself of any right or power in relation to such lands, further than she had in respect of all the balance of her territory. She was now at full liberty and had the power and the right to possess herself, by any means she might choose, of the lands in dispute, and to extend over them her au-

[1] United States Statutes at Large, Vol. IV . 217.
[2] March 13, 1827.
[3] June 4, 1828.
[4] January 26, 1828.

thority and laws. Although possessing this right, she was averse to exercising it until all other means of redress had failed. She now made one other and last appeal to the General Government to open negotiations with the Cherokees on this subject. If no such negotiation should be opened, or if, being opened, it should result unsuccessfully, it was recommended to the next legislature of Georgia to take immediate possession of the disputed territory and to extend her jurisdiction and laws over the same. In a spirit of liberality, however, it was suggested that, in any treaty the United States might make with the Cherokees, Georgia would agree to allow reserves to be made to individual Indians not exceeding in the aggregate one-sixth part of the entire territory in dispute. Should the Indians still refuse to negotiate, they were solemnly warned of the unfortunate consequences likely to follow, as the lands *belonged* to Georgia, and that she *must* and *would* have them.

A resolution of the House of Representatives of the United States, in the month of March following, calling upon the President for information upon the subject, brought forth[1] copies of all the correspondence relative to the matter, and the distinct avowal that the records of the United States failed to show any act of executive recognition of the new form of Cherokee government, but that, on the contrary, their status toward the United States was regarded as not in the slightest degree changed.

CHEROKEE AFFAIRS WEST OF THE MISSISSIPPI.

Whilst all these events having a bearing upon the condition and prospective welfare of that portion of the Cherokee people who had remained in their old homes east of the Mississippi River were happening, those who had taken up their abode in the Arkansas country were likewise having their troubles.

Difficulties with the Osages.—Their disagreements with the Osages, which had, with slight intermission, existed for years, broke out afresh when in February, 1820, a party of Osages robbed and killed three Cherokees. The latter determined upon the prosecution of a general war against the aggressors, and were only persuaded to pause at the earnest solicitation[2] of Governor Miller, of Arkansas Territory, until he could visit the villages of the Osages and demand the surrender of the murderers. In company with four of the Cherokee chiefs, he proceeded to the principal Osage village, where they were kindly received by the Osages, who repudiated the action of the murderers and agreed conditionally to surrender them. They, however, produced the treaty concluded in 1818, under the superintendence of Governor Clark, between themselves and the Cherokees, Shawnees, and Delawares, wherein it was agreed that a permanent peace should thenceforth exist between them, and that the Cherokees were to meet them at Fort Smith the

[1] March 20, 1828. [2] April 20, 1820.

following spring and surrender all Osage prisoners, which the former had neglected to do and still retained a number of Osage captives. The Cherokee chiefs admitted that this was true, whereupon Governor Miller advised them that before the Osage murderers could be surrendered, the Cherokees must comply with their agreement by surrendering all prisoners in their hands. An arrangement was made to meet at Fort Smith in October following and effect the exchange,[1] which was done. Notwithstanding this adjustment, the feeling of hostility between the two tribes remained. Active warfare broke out again in the summer of 1821,[2] and was not suppressed by the most strenuous efforts of the United States authorities until the fall of the following year.[3]

Boundaries and area.—Governor Miller reported, in connection with this subject, that the Arkansas Cherokees were very restless and dissatisfied. They complained much in that, as they said, no part of the treaty of 1819 had been complied with by the United States and in that they had received no annuity money since their removal to the west of the Mississippi River. Furthermore, their boundaries had not been established, and they still awaited the fulfillment of the promise made them for an extension of their line to the west as far as the Osage line. To this latter scheme the Osages were much opposed, preferring rather to have the country occupied by whites. The adjustment of this boundary question would seem to have been very desirable, inasmuch as nearly one-half of the Cherokees had taken up their abode south of the Arkansas River,[4] which was clearly outside of their proper limits. It formed the subject of much correspondence and complaint throughout several years, and was the occasion of a number of visits of representative delegations from the Arkansas Cherokees to Washington. The eastern boundary had, as already stated, been run by General Rector in 1818–'19, but the difficulty in fixing the western line arose from the fact that the quantity of land to which the Cherokees were entitled was to be measured by the area already ceded by them to the United States by the treaties of 1817 and 1819. The ascertainment of this latter quantity with exactness could not be made in advance of the completion of the surveys thereof by the States of North Carolina, Tennessee, and Georgia. From such reports and estimates as the United States were able to secure from the several State authorities, it was estimated, early in 1823,[5] that the quantity to which the Cherokees were entitled was about 3,285,710 acres, and they were informed that measures would at once be taken to have the western boundary established. This was performed

[1] Letter of Governor Miller, of Arkansas, to Secretary of War, June 20, 1820.

[2] Letter of Secretary of War to Maj. William Bradford, July 21, 1821.

[3] Letter of Secretary of War to Governor Miller, of Arkansas, November 6, 1822.

[4] October 8, 1821, Governor Miller was instructed by the Secretary of War to remove the Cherokees from lands south of the Arkansas, but its execution was deferred several years pending the establishment of the Cherokee boundaries.

[5] Secretary of War to Arkansas Cherokee delegation in Washington, February 12, 1823.

under direction of Governor Miller, in compliance with instructions given him for that purpose on the 4th of March, 1823. A year later[1] a delegation of the Indians visited Washington to complain that the boundary had been run without notice to them and in such a manner as to be highly prejudicial to their interests. It was also urged that the quantity of land included was largely less than the quantity ceded by the Cherokees east of the Mississippi.

It would seem that in the survey of this western boundary Governor Miller, through a misconception of his instructions, had caused the line to be run due north and south, instead of in a direction parallel with that of the east line, as was the evident intention of the treaty of 1817.[2] The effect of this action was to largely curtail the Cherokee frontage on Arkansas River, where the lands were rich and capable of remunerative cultivation, and to extend their frontier on the Upper White River, toward the rough and comparatively valueless region of the Ozark Mountains. It was also admitted by the Secretary of War that the quantity of land within these boundaries was probably less than that to which the Cherokees were entitled.[3] Inquiries were accordingly again made of the several State authorities as to the area of territory acquired by them through the treaties of 1817 and 1819, the replies to which, though partially estimated, aggregated 4,282,216 acres.[4] Directions were therefore given to Agent Duval[5] to propose to the Indians the running of a provisional line, subject to such future alterations as the official returns of the quantity ceded in the States should render necessary and proper. It seems, however, from a report of Agent Duval, that the Cherokees in council had expressed to him a preference to adopt for their western boundary what was known as the "upper" or Governor Miller line, and to run thence down and between the Arkansas and White Rivers for quantity, ignoring the line run under the treaty of 1817 by General Rector, the effect of which would be to give them an extension of territory to the east instead of toward the west. This proposition called forth directions from the Secretary of War to Governor Izard, in the spring of 1825, to open negotiations with the Cherokees upon the subject of an exchange of territory with them for an equal quantity of land lying to the west of Arkansas and Missouri, and for their removal thereto, but that the matter must not be pressed to the point of irritation. If, through the aversion of the Indians to entertain such a proposition, it should be dropped, then, if the same should be satisfactory to the citizens of Arkansas, the proposal

[1] March 3, 1824.

[2] Indian Office to Cherokee delegation of Arkansas, March 13, 1824, and Secretary of War to Governor Crittenden, of Arkansas, April 28, 1824.

[3] Secretary of War to Governor Crittenden, of Arkansas, April 28, 1824.

[4] Indian Office to Agent E. W. Duval, Little Rock, Arkansas, July 8, 1824.

[5] July 8, 1824.

contained in the report of Agent Duval would meet the views of the Government.[1]

The Indians were brought to no definite agreement to either of these propositions. In the meantime their provisional western boundary was established and run, in January and February, 1825.[2] The line began at the upper end of Table Rock Bluff, on the Arkansas River, and ran north 1 mile and 70 chains, crossing Skin Bayou at a distance of 66 chains from the beginning; thence it ran north 53° east 132 miles and 31 chains, to White River, which it struck at a point opposite the mouth of Little North Fork.

As a matter of fact, so strong was the prejudice of the Cherokees against any concession of territory that their council passed[3] what they denominated a "perpetual law" denouncing the death penalty against any of their nation who should propose the sale or exchange of their lands.

Lovely's purchase.—In the mean time the legislature of Arkansas, through Acting Governor Crittenden, had forwarded to the President in the summer of 1824, a memorial urging that the tract of country known as "Lovely's purchase" be thrown open to white settlement by a revocation of the prohibitory order of December 15, 1818. This the President declined to do until a final adjustment should be made of the west boundary of the Cherokees and the east boundary of the Choctaws. A history of "Lovely's purchase" is to be found in a letter dated January 30, 1818, from Major Long, of the Topographical Engineers, to General Thomas A. Smith. From this it seems that by a treaty then recently made (but without any authority) with the Osages, "by Mr. Lovely, late Indian agent,"[4] that tribe had ceded to the United States the country between the Arkansas and Red Rivers, and also a tract on the north of the Arkansas situated between the Verdigris River and the boundary established by the Osage treaty of 1808. It appears, however, that it was not the intention of the Osages to cede to the United States so large a tract on the north of the Arkansas, but, as

[1] Secretary of War to Governor Izard, of Arkansas, April 16, 1825.

[2] See map on file in Indian Office.

[3] May, 1825.

[4] In a letter from Agent Meigs to the Secretary of War, dated June 2, 1817, Major Lovely is spoken of as having been agent residing with the Cherokees on the Arkansas. He had been an officer of the Virginia line throughout the Revolution and participated in the capture of Burgoyne. He had lived some time in the family of President Madison's father, and went to Tennessee at an early day, whence (after living many years among the Cherokees) he removed with the emigrant party to the Arkansas. In a letter to the Hon. John Cocke from the Secretary of War, December 15, 1826, it is, however, stated that Major Lovely was a factor or trader in the Arkansas country, who took an active part in the preliminary negotiations that led finally to the conclusion of the treaty with the Osages of September 25, 1818. It also appears from the same letter that the estimated area of Lovely's purchase was 7,392,000 acres, and that when the west boundary line of the Cherokees was run, in 1825, it was found that 200 square miles of Lovely's purchase were included within its limits.

afterwards alleged by their chiefs, they only desired to surrender the country lying south of a line commencing at the Falls of the Verdigris and running due east to the treaty line of 1808, and east of another line beginning at the same place and running due south as far as their possessions should extend, and thence east again to the 1808 boundary, excepting and reserving therefrom the point of land between the Verdigris and Six Bulls or Grand River. The Osages, never having been informed that the treaty was not duly authorized and had not been confirmed, still considered the country described therein as belonging to the United States, and had repeatedly solicited whites to settle on it, alleging that the main object of the cession on their part was to secure the convenient approach of civilized neighbors, who should instruct the men how to cultivate the ground and the women to spin and weave, that they might be able to live when the forests should afford no further supplies of game. They were therefore much irritated when they found civilized settlements prohibited, in order to protect the introduction and establishment adjoining or upon this territory of their inveterate enemies, the Cherokees.

Western outlet.—The indefinite outlet to the west which had been promised the Cherokees by the President in 1818 formed the subject of much complaint by them from time to time. In the spring of 1823[1] they were advised that until their western boundary was established it would be improper to make any decision upon the "outlet" question. Two years earlier[2] it had been declared to them that in removing settlers from "Lovely's Purchase," for the purpose of giving them their western outlet, it must always be understood that they thereby acquired no right to the soil, and that the Government reserved to itself the right of making such disposition as it might think proper of all salt springs therein. But this troublous question was definitively disposed of when the treaty of 1828 came to be negotiated.

By the provisions of an act of Congress approved April 5, 1826,[3] the land districts of the Territory of Arkansas were extended so as to include all the country within the limits of that Territory as then existing (the limits having been extended 40 miles to the west by act of Congress of May 26, 1824),[4] with the proviso, however, that nothing in the act should be so construed as to authorize any survey or interference whatever upon any lands the right whereof resided in any Indian tribes. Notwithstanding this proviso, reports became current that surveys had been begun of "Lovely's Purchase," causing much irritation and ill feeling among the Cherokees and eliciting an order[5] from the Secretary of War forbidding any further surveys until it should be

[1] Secretary of War to Arkansas Cherokee delegation in Washington, February 12, 1823.

[2] Secretary of War to Arkansas Cherokee delegation in Washington, October 8, 1821.

[3] United States Statutes at Large, Vol. IV, p. 153.

[4] United States Statutes at Large, Vol. IV, p. 40.

[5] April 3, 1827.

finally ascertained how much land the Cherokees were entitled to receive from the United States in pursuance of the treaties of 1817 and 1819.

Negotiation and conclusion of treaty of 1828.—Matters remained thus *in statu quo* until the spring of 1828, when a delegation of the Western Cherokees arrived in Washington, clothed with authority to present to the attention of the President their numerous grievances and to adjust all matters in dispute for their people. The burden of their complaints had relation to the delays that had occurred in fixing their boundaries; to the failure to secure to them the promised "western outlet;" to the adjustment of the hostilities that continued to exist between themselves and the Osages; and to the irregularity in the receipt of their annuities, as well as to the encroachments of white settlers.[1]

The delegation were not clothed with authority to negotiate for any cession or exchange of territory, the "perpetual law" against entertaining such a proposition being still in force among them. Notwithstanding this fact, a communication was addressed to them from the War Department[2] desiring to be advised if they had any objection to opening negotiations upon a basis of an exchange of land for territory west of the west boundary of Arkansas, provided that boundary should be removed a distance of 40 miles to the east, so as to run from Fort Smith to the southwest corner of the State of Missouri, and also that the Creeks should be removed from their location above the Falls of Verdigris River to territory within the forks of the Canadian and Arkansas Rivers. To this proposal the delegation returned a polite but determined refusal, and demanded that the actual number of acres to which they were entitled in Arkansas be ascertained and laid off with exact definiteness. The whole subject of an exchange of lands was thereupon submitted by the Secretary of War to the President for his direction, and it was announced[3] to the visiting delegation that the President had concluded to order a permanent western line to be run, within which should be embraced the full quantity of land to which they were entitled, and which was found to be, as nearly as possible, as follows:[4]

	Acres.
In lieu of quantity ceded in Georgia (actual survey)	824,384
In lieu of quantity ceded in Alabama (actual survey)	738,560
In lieu of quantity ceded in Tennessee (actual survey)	1,024,000
In lieu of quantity ceded in North Carolina (survey 70,000, estimate 630,000)	700,000
	3,286,944
Less 12 miles square, school reservation in Alabama	92,160
	3,194,784

[1] Letter of T. L. McKenney to Secretary of War, March 18, 1828.

[2] March 27, 1828.

[3] April 11, 1828.

[4] The areas here given by the State authorities were largely below the quantity actually contained within the limits of the cessions within the States of Georgia, North Carolina, and Tennessee, as will be seen by a glance at the table of such areas on page 378.

As to their promised "western outlet," the President was unprepared to say anything definite, inasmuch as that matter was then in the hands of Congress.

From this showing it was made evident to the delegation, and no opportunity was lost to impress the fact strongly upon them, that if they insisted upon refusing to arrange for an exchange of lands, instead of being entitled to a large additional tract beyond their provisional western boundary, they would, in fact, be entitled to several hundred thousand acres less than had already been placed in their possession. In addition to this it was more than doubtful, from the temper of the President and Congress, whether their long anticipated "western outlet" would ever crystallize into anything more tangible than a promise. With these facts staring them in the face, with the alluring offers held out to them of double the quantity of land possessed by them in Arkansas in exchange, with liberal promises of assistance in their proposed new homes, and with the persistent importunities of their agent and other United States officials, they yielded, and the treaty of May 6, 1828,[1] an abstract of which has been already given, was the result. It was promptly ratified and proclaimed on the 28th of the same month.

So nervous were the members of the delegation, after the treaty had been concluded and signed, as to the reception that would greet them on their return home, that the Secretary of War felt the necessity of giving them a letter of explanation to their people. In this letter the Cherokees were advised of the integrity, good conduct, and earnest zeal for the welfare of their nation that had invariably characterized the actions of their delegation at Washington. The nation was assured that their representatives had done the best thing possible for them to do in the late treaty.[2]

Notwithstanding this testimonial, the delegation met with an angry reception on their return home. Their lives and property were unsafe; the national council pronounced them guilty of fraud and deception, declared the treaty to be null and void, as having been made without any authority, and expressed an earnest desire to send a delegation to Washington clothed with power to arrange all differences.[3]

In the mean time Agent Duval had been advised[4] of the ratification of the treaty, and Messrs. R. Ellis and A. Finney had been appointed, in conjunction with him, as commissioners to value all improvements and property abandoned by the Cherokees, and to sell the agency property as a means of raising funds for the erection of mills in their new country.

Survey of new boundaries.—The eastern line of this new Cherokee

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[1] United States Statutes at Large, Vol. VII, p. 311.

[2] Letter of Secretary of War to Western Cherokee delegation, May 17, 1828

[3] Letter of Sub-Agent Brearly to Secretary of War, September 27, 1828.

[4] May 28, 1828.

country, dividing it from Arkansas, was surveyed in 1829,[1] but it was not until April 13, 1831, that instructions were given to Isaac McCoy to survey the remaining boundaries.

The fourth article of the treaty of 1828 contained a provision requiring the United States to sell the property and improvements connected with the agency for the erection of a grist and saw mill for the use of the Indians in their new home. In lieu of this grist and saw mill the United States furnished them with patent corn-mills to the amount of the appraised value of the improvements. A tract in townships 7 and 8 of range 21, including these agency improvements, was surveyed separately in 1829, and was commonly known as the "Cherokee Agency Reservation." In after years the Cherokees claimed that they had never been compensated for this so-called reserve and asserted that it still belonged to them. After a dispute continuing through many years, it was finally decided by the Secretary of the Interior, on the 28th of June, 1878, that the reserve did not belong to the Cherokees, but that, through the operation of the treaty with them, it became a part of the public domain.

TREATY CONCLUDED FEBRUARY 14, 1833.—PROCLAIMED APRIL 12, 1834.[2]

Held at Fort Gibson, on the Arkansas River, between Montfort Stokes, Henry L. Ellsworth, and John F. Schermerhorn, commissioners on the part of the United States, and the chiefs and headmen of the Cherokee Nation of Indians west of the Mississippi.

MATERIAL PROVISIONS.

It having been ascertained that the territory assigned to the Cherokees by the treaty of May 6, 1828, conflicted with a portion of the territory selected by the Creek Nation in conformity with the provisions of the Creek treaty of January 24, 1826, and the representative men of those two nations having met each other in council and adjusted all disputes as to boundaries, the United States, in order to confirm this adjustment, concluded the following articles of treaty and agreement with the Cherokees:

1. The United States agree to possess the Cherokees, and to guarantee it to them forever, * * * of seven millions of acres of land, to be bounded as follows, viz: Beginning at a point on the old western Territorial line of Arkansas Territory, being twenty-five miles north from the point where the Territorial line crosses Arkansas River; thence running from said north point south on the said Territorial line to the place where said Territorial line crosses the Verdigris River; thence

[1] Letter of T. L. McKenney to Secretary of War, January 21, 1830.

[2] United States Statutes at Large, Vol. VII, p. 414.

down said Verdigris River to the Arkansas River; thence down said Arkansas River to a point where a stone is placed opposite to the east or lower bank of Grand River at its junction with the Arkansas; thence running south forty-four degrees west one mile; thence in a straight line to a point four miles northerly from the mouth of the North Fork of the Canadian; thence along the said four miles line to the Canadian; thence down the Canadian to the Arkansas; thence down the Arkansas to that point on the Arkansas where the eastern Choctaw boundary strikes said river, and running thence with the western line of Arkansas Territory, as now defined, to the southwest corner of Missouri; thence along the western Missouri line to the land assigned to the Senecas; thence on the south line of the Senecas to Grand River; thence up said Grand River as far as the south line of the Osage Reservation, extended if necessary; thence up and between said south Osage line, extended west if necessary, and a line drawn due west from the point of beginning, to a certain distance west at which a line running north and south from said Osage line to said due-west line will make seven millions of acres within the whole described boundaries.

In addition to the seven millions of acres of land thus provided for and bounded, the United States further guarantee to the Cherokee Nation a perpetual outlet west, and a free and unmolested use of all the country lying west of the western boundary of said seven millions of acres, as far as the sovereignty of the United States and their right of soil extend: *Provided, however*, That if the saline or salt plain on the great western prairie shall fall within said limits prescribed for said outlet, the right is reserved to the United States to permit other tribes of red men to get salt on said plain in common with the Cherokees. And letters patent shall be issued by the United States as soon as practicable for the land hereby guaranteed.

2. The Cherokees relinquish to the United States all claim to all land ceded or claimed to have been ceded to them by treaty of May 6, 1828, not embraced within the limits fixed in this present supplementary treaty.

3. The United States agree to cancel, at the request of the Cherokees, the sixth article of the treaty of May 6, 1828.

4. The United States agree to furnish the Cherokees, during the pleasure of the President, four blacksmith's shops, one wagon-maker's shop, one wheelwright's shop, and necessary tools, implements, and material for the same; also four blacksmiths, one wagon-maker, and one wheel wright; also eight patent railway corn-mills, in lieu of those agreed to be furnished by article 4 of the treaty of May 6, 1828.

5. These articles are supplementary to the treaty of May 6, 1828.

6. One mile square to be set apart for the accommodation of the Cherokee Agency, to be selected jointly by the Cherokee Nation and United States agent.

7. This treaty to be obligatory after ratification by the President and Senate.

HISTORICAL DATA.

CONFLICTING LAND CLAIMS OF CREEKS AND CHEROKEES WEST OF THE MISSISSIPPI.

The treaty of January 24, 1826,[1] with the Creek Indians had provided for the removal of that tribe west of the Mississippi. In accordance with its provisions, a delegation consisting of five representative men of the tribe proceeded to the western country and selected the territory designed for their future occupancy. The year following this selection a party of Creeks removed to and settled thereon. The country thus selected and occupied lay along and between the Verdigris, Arkansas, and Canadian Rivers.[2]

Subsequently, on the 6th day of May, 1828,[3] a treaty was concluded with the Cherokee Nation west of the Mississippi, by the terms of which they ceded all their lands within the present limits of Arkansas and accepted a tract of 7,000,000 acres within the present limits of Indian Territory, in addition to a perpetual outlet extending as far west as the western limits of the United States at that time, being the one hundredth meridian of longitude west from Greenwich.

This new assignment of territory to the Cherokees, it was soon found, included a considerable portion of the lands selected by and already in the possession of the Creeks.

The discovery of this fact produced much excitement and ill feeling in the minds of the people of both tribes, and led to many acts of injustice and violence during the course of several years.

Territorial difficulties adjusted.—In the year 1832 a commission was constituted, consisting of Montfort Stokes, Henry L. Ellsworth, and John F. Schermerhorn, with instructions to visit the country west of the Mississippi and to report fully all information relating to the country assigned as a permanent home to the aborigines. Among the formidable difficulties presented for and earnestly urged upon their attention and consideration were these conflicting territorial claims of the Creeks and the Cherokees. Both parties claimed several million acres of the same land under treaty stipulations; both were equally persuaded of the justice of their respective claims, and at first were unyielding in their dispositions.

After a protracted public council, however, in which a careful examination and exposition of the various treaties was made, the commissioners succeeded in inducing the Creeks to accept other lands to the southward of their upper settlements on Verdigris River,[4] and concluded treaties with both the Creeks and the Cherokees modifying their respective boundaries.

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[1] United States Statutes at Large, Vol. VII, p. 286.

[2] See Creek treaty of 1833, United States Statutes at Large, Vol. VII, p. 417.

[3] United States Statutes at Large, Vol. VII, p. 311.

[4] See preamble to Creek treaty of February 14, 1833, United States Statutes at Large, Vol. VII, p. 417.

This treaty of February 14, 1833, with the latter tribe occasioned a material change in the boundaries previously assigned them.

Instead of following the western line of Arkansas and Missouri as far north as the point where the Grand or Neosho River crosses the boundary of the latter State, and running from thence due west to a point due north of the old western boundary line of Arkansas Territory, and thence south to the Arkansas River, the new line followed the present western boundary of Arkansas and Missouri as far north as the south line of the territory then recently assigned to the Senecas; thence west along the south line of the Senecas to Grand River, and following up Grand River to the south boundary of the Osage reservation, which was parallel with the present southern boundary of Kansas, and on the average about two miles to the north of it; thence west for quantity.

PURCHASE OF OSAGE HALF-BREED RESERVES.

Prior[1] to the conclusion of this treaty of 1833, a delegation of the Western Cherokees had visited Washington to insist upon a literal fulfillment of the treaty of 1828 and especially to demand that they be possessed of all lands and improvements within the outboundaries of their country as defined by the last named treaty. The lands and improvements alluded to were seven reservations of one section each on the Neosho River assigned to certain half-breed Osage Indians by the terms of the treaty of 1825[2] with that tribe.

Although the treaty of 1833 failed to make provision for the extinguishment of these Osage half-breed titles, the desired object was attained by the terms of the fourth article of the treaty of December 29, 1835, wherein $15,000 were appropriated for the purchase.[3]

PRESIDENT JACKSON REFUSES TO APPROVE THE TREATY OF 1834.

On the 10th of February, 1834, George Vashon, agent for the Western Cherokees, negotiated a treaty with them[4] having in view an adjustment of certain differences between themselves and their eastern brethren, whereby the feelings of the latter should be more favorably affected toward an emigration to the western country. The treaty provided for a readjustment of the tribal annuities proportioned to the respective numbers of the Cherokees east and west, the basis of division to be ascertained by an accurate census. The country provided for the Cherokees by the treaty of 1833 was to be enlarged so that it should equal in quantity, acre for acre, the country ceded by the Cherokees east in 1817 and 1819, as well as the proportional quantity of those who should agree to emigrate to the West under the provisions of this treaty. It was also agreed that all Cherokees should possess equal

[1] In March, 1832.

[2] United States Statutes at Large, Vol. VII, p. 240.

[3] United States Statutes at Large, Vol. VII, p. 478.

[4] See Indian Office files.

rights in the new country, and that an asylum should be established for the maintenance of the orphan children of the tribe. The negotiations thus entered into were, however, barren of results, inasmuch as President Jackson refused to recommend the treaty to the Senate for the advice and consent of that body.[1]

TREATY CONCLUDED DECEMBER 29, 1835; PROCLAIMED MAY 23, 1836.

Held at New Echota, Georgia, between General William Carroll and John F. Schermerhorn, commissioners on the part of the United States, and the chiefs, headmen, and people of the Cherokee tribe of Indians.[2]

MATERIAL PROVISIONS.

The preamble recites at considerable length the reasons for the negotiation of the treaty and the preliminary steps taken, following which the provisions of the treaty as concluded are given.

1. The Cherokee Nation cedes to the United States all the land claimed by said Nation east of the Mississippi River, and hereby releases all claims on the United States for spoliations of every kind for and in consideration of $5,000,000. In case the United States Senate should decide that this sum does not include spoliation claims, then $300,000 additional should be allowed for that purpose.

2. The description of the 7,000,000 acres of land guaranteed to the Cherokees west of the Mississippi by the treaties of 1828 and 1833 is repeated, and in addition thereto the further guaranty is made to the Cherokee Nation of a perpetual outlet west, and a free and unmolested use of all the country west of the western boundary of said 7,000,000 acres, as far west as the sovereignty of the United States and their right of soil extend, provided that if the salt plain shall fall within the limits of said outlet the right is reserved to the United States to permit other tribes of Indians to procure salt thereon. "And letters patent shall be issued by the United States as soon as practicable for the land hereby guaranteed."

It being apprehended that the above would afford insufficient land for the Cherokees, the United States, in consideration of $500,000, agree to patent to them in fee simple the following additional tract, viz: Beginning at the southeast corner of the Osage Reservation, and running north along the east line of the Osage lands 50 miles to the northeast corner thereof, thence east to the west line of the State of Missouri, thence with said line south 50 miles, thence west to the place of beginning, estimated to contain 800,000 acres, it being understood that if any of the Quapaw lands should fall within these limits they should be excepted.

3. All the foregoing described lands to be included in one patent, under the provisions of the act of May 28, 1830; the United States to

[1] See Indian Office records.

[2] United States Statutes at Large, Vol. VII, p. 478.

retain possession of the Fort Gibson military reservation until abandoned, when it shall revert to the Cherokees. The United States reserve the right to establish post and military roads and forts in any part of the Cherokee country.

4. The United States agree to extinguish for the Cherokees the Osage half-breed titles to reservations under the treaty of 1825 for the sum of $15,000. The United States agree to pay to the American Board of Commissioners for Foreign Missions the appraised value of their improvements at Union and Harmony missions.

5. The United States agree that the land herein guaranteed to the Cherokees shall never, without their consent, be included within the limits or jurisdiction of any State or Territory. The United States also agree to secure them the right to make and carry into effect such laws as they deem necessary, provided they shall not be inconsistent with the Constitution of the United States and such acts of Congress as provide for the regulation of trade and intercourse with the Indian tribes; and provided also they shall not affect such citizens and army of the United States as may travel or reside in the Indian country by permission granted under the laws or regulations thereof.

6. Perpetual peace shall exist between the United States and the Cherokees. The United States shall protect the Cherokees from domestic strife, foreign enemies, and from war with other tribes, as well as from the unlawful intrusion of citizens of the United States. The Cherokees shall endeavor to maintain peace among themselves and with their neighbors.

7. The Cherokees shall be entitled to a delegate in the United States House of Representatives whenever Congress shall make provision for the same.

8. The United States agree to remove the Cherokees to their new home and to provide them with one year's subsistence thereafter. Those desiring to remove themselves shall be allowed a commutation of $20 per head therefor, and, if they prefer it, a commutation of $33⅓ per head in lieu of the one year's promised subsistence. Cherokees residing outside the limits of the nation who shall remove within two years to the new Cherokee country shall be entitled to the same allowances as others.

9. The United States agree to make an appraisement of the value of all Cherokee improvements and ferries. The just debts of the Indians shall be paid out of any moneys due them for improvements and claims. The Indians shall be furnished with sufficient funds for their removal, and the balance of their dues shall be paid them at the Cherokee Agency west of the Mississippi. Missionary establishments shall be appraised and the value paid to the treasurers of the societies by whom they were established.

10. The President of the United States shall invest in good interest-paying stocks the following sums for the benefit of the Cherokee people, the interest thereon only to be expended: $200,000, in addition to

their present annuities, for a general national fund; $50,000 for an orphans' fund; $150,000, in addition to existing school fund, for a permanent national school fund: the disbursement of the interest on the foregoing funds to be subject to examination and any misapplications thereof to be corrected by the President of the United States.

On two years' notice the Cherokee council may withdraw their funds, by the consent of the President and the United States Senate, and invest them in such manner as they deem proper. The United States agree to appropriate $60,000 to pay the just debts and claims against the Cherokee Nation held by citizens of the same, and also claims of citizens of the United States for services rendered the nation. Three hundred thousand dollars is appropriated by the United States to liquidate Cherokee claims against the United States for spoliations of every kind.

11. The Cherokees agree to commute their existing permanent annuity of $10,000 for the sum of $214,000, the same to be invested by the President as a part of the general fund of the nation. Their present school fund shall also constitute a portion of the permanent national school fund.

12. Such Cherokees as are averse to removal west of the Mississippi and desire to become citizens of the States where they reside, if qualified to take care of themselves and their property, shall receive their proportion of all the personal benefits accruing under this treaty for claims, improvements, and per capita.

Such heads of Cherokee families as desire to reside within the States of North Carolina, Tennessee, and Alabama, subject to the laws thereof and qualified to become useful citizens, shall be entitled to a pre-emption right of 160 acres at the minimum Congress price, to include their improvements. John Ross and eleven others named are designated as a committee on the part of the Cherokees to recommend persons entitled to take pre-emption rights, to select the missionaries who shall be removed with the nation, and to transact all business that may arise with the United States in carrying the treaty into effect. One hundred thousand dollars shall be expended by the United States for the benefit of such of the poorer classes of Cherokees as shall remove west.

13. All Cherokees and their heirs to whom reservations had been made by any previous treaty, and who had not sold or disposed of the same, such reservations being subsequently sold by the United States should be entitled to receive the present value thereof from the United States as unimproved lands. All such reservations not sold were to be confirmed to the reservees or their heirs. All persons entitled to reservations under treaty of 1817, whose reservations, as selected, were included by the treaty of 1819 in the unceded lands of the Cherokee Nation, shall be entitled to a grant for the same. All reservees who were obliged by the laws of the States in which their reservations were situated to abandon the same or purchase them from the States, shall be deemed to have a just claim against the United States for the value

thereof or for the amount paid therefor, with interest. The amount allowed for reservations under this article is to be paid independently, and not out of the consideration allowed to the Cherokees for spoliation claims and their cession of lands.

14. Cherokee warriors wounded in the service of the United States during the late war with Great Britain and the southern tribes of Indians shall be allowed such pensions as Congress shall provide.

15. The balance of the consideration herein stated, after deducting the amount actually expended for improvements, ferries, claims, spoliations, removal, subsistence, debts, and claims upon the Cherokee Nation, additional quantity of lands, goods for the poorer class of Cherokees, and the several sums to be invested for the general national funds, shall be divided equally among all the people belonging to the Cherokee Nation east, according to the census just completed. Certain Cherokees who had removed west since June, 1833, were to be paid for their improvements.

16. The Cherokees stipulate to remove west within two years from the ratification of this treaty, during which time the United States shall protect them in the possession and enjoyment of their property, and in case of failure to do so shall pay all losses and damages sustained by them in consequence thereof.

The United States and the several States interested in the Cherokee lands shall immediately proceed to survey the lands ceded by this treaty, but the agency buildings and tract of land surveyed and laid off for the use of Col. R. J. Meigs, Indian agent, shall continue subject to the control of the United States or such agent as may be specially engaged in superintending the removal of the tribe.

17. All claims arising under or provided for in this treaty shall be examined and adjudicated by General William Carroll and John F. Schermerhorn, or by such commissioners as shall be appointed by the President of the United States for that purpose, and their decision shall be final, and the several claimants shall be paid on their certificate by the United States. All stipulations of former treaties not superseded or annulled by this treaty shall continue in force.

18. The annuities of the nation which may accrue during the next two years preceding their removal shall, on account of the failure of crops, be expended in provision and clothing for the benefit of the poorer classes of the nation as soon after the ratification of this treaty as an appropriation shall be made. No interference is, however, intended with that part of the annuities due the Cherokees west under the treaty of 1819.

19. This treaty is to be obligatory after ratification.

20. The United States guarantee the payment of all unpaid just claims upon the Indians, without expense to them, out of the proper funds of the United States for the settlement of which a cession or cessions of land has or have been heretofore made by the Indians in

Georgia, provided the United States or State of Georgia has derived benefit therefrom without having made payment therefor.

This article was inserted by unanimous request of the Cherokee committee after the signing of the treaty, it being understood that its rejection by the Senate of the United States should not impair any other article of the treaty.

On the 31st of December, 1835, James Rogers and John Smith, as delegates from the Western Cherokees, signed an agreement which is attached to the treaty wherein they agreed to its provisions on behalf of the Western Cherokees, with the proviso that it should not affect any claims of the latter against the United States.

SUPPLEMENTARY ARTICLES TO FOREGOING TREATY, CONCLUDED MARCH 1, 1836; PROCLAIMED MAY 23, 1836.[1]

Agreed on between John F. Schermerhorn, commissioner on the part of the United States, and the committee duly authorized at a general council held at New Echota, Georgia, to act for and on behalf of the Cherokee people.

MATERIAL PROVISIONS.

These articles were concluded as supplementary to the treaty of December 29, 1835, and were ratified at the same time and as a part of that treaty. They were rendered necessary by the determination of President Jackson not to allow any pre-emptions or reservations, his desire being that the whole Cherokee people should remove together to the country west of the Mississippi.

1. All pre-emption rights and reservations provided for in articles 12 and 13 are declared void.

2. The Cherokees having supposed that the sum of $5,000,000, fixed as the value of Cherokee lands, did not include the amount required to remove them, nor the value of certain claims held by them against citizens of the United States, and the President being willing that the subject should be referred to the Senate of the United States for any further provision that body should deem just,

3. It is agreed, should it receive the concurrence of that body, to allow the Cherokees the sum of $600,000, to include the expenses of removal and all claims against the United States not otherwise specifically provided for, and to be in lieu of the aforesaid reservations and pre-emptions and of the $300,000 for spoliations provided in article 1 of the original treaty to which this is supplementary. This sum of $600,000 shall be applied and distributed agreeably to the provisions of said treaty, the surplus, if any, to belong to the education fund.

4. The provision of article 16 concerning the agency reservations is not intended to interfere with the occupant right of any Cherokees whose improvements may fall within the same.

[1] United States Statutes at Large, Vol. VII, p. 488.

The $100,000 appropriated in article 12 for the poorer class of Cherokees, and intended as a set-off to the pre-emption rights, shall now be added to the general national fund of $400,000.

5. The expenses of negotiating the treaty and supplement and of such persons of the Cherokee delegation as may sign the same shall be defrayed by the United States.

NOTE.—The following amendments were made by the United States Senate: In article 17 strike out the words "by General William Carroll and John F. Schermerhorn, or;" also, in the same article, after the word "States," insert "by and with the advice and consent of the Senate of the United States;" and strike out the 20th article, which appears as a supplemental article.

HISTORICAL DATA.

ZEALOUS MEASURES FOR REMOVAL OF EASTERN CHEROKEES.

While the events connected with the negotiation and the execution of the treaty of 1828 with the Western Cherokees were occurring those Cherokees who yet remained in their old homes east of the Mississippi River were burdened with a continually increasing catalogue of distressing troubles. So soon as the treaty of 1828 was concluded it was made known to them that inducements were therein held out for a continuance of the emigration to the Arkansas country. Agent Montgomery was instructed[1] to use every means in his power to facilitate this scheme of removal, and especially among those Cherokees who resided within the chartered limits of Georgia.

Secret agents were appointed and $2,000 were authorized by the Secretary of War to be expended in purchasing the influence of the chiefs in favor of the project.[2] A. R. S. Hunter and J. S. Bridges were appointed[3] commissioners to value the improvements of the Cherokees who should elect to remove.

After nearly a year of zealous work in the cause, Agent Montgomery was only able to report the emigration of four hundred and thirty-one Indians and seventy-nine slaves, comparatively few of whom were from Georgia.[4] Nine months later three hundred and forty-six persons had emigrated from within the limits of that State.[5] The hostility manifested by the larger proportion of the Cherokees toward those who gave favorable consideration to the plan of removal was so great as to require the establishment of a garrison of United States troops within the nation for their protection.[4]

President Jackson's advice to the Cherokees.—Early in 1829,[6] a delegation from the nation proceeded to Washington to lay their grievances before

[1] May 27, 1828.

[2] Letter of War Department to Hugh Montgomery, Cherokee agent, May 27, 1828, and to General William Carroll, May 30, 1829.

[3] December 18, 1828.

[4] Letter of T. L. McKenney to Secretary of War, November, 17, 1829.

[5] Letter of T. L. McKenney to Hugh Montgomery, Cherokee agent, August 6, 1830

[6] Letter of Cherokee delegation (East) to Secretary of War, January 21, 1829.

President Jackson, but they found the Executive entertaining opinions about their rights very different from those which had been held by his predecessors. They were advised[1] that the answer to their claim of being an independent nation was to be found in the fact that during the Revolutionary war the Cherokees were the allies of Great Britain, a power claiming entire sovereignty of the thirteen colonies, which sovereignty, by virtue of the Declaration of Independence and the subsequent treaty of 1783, became vested respectively in the thirteen original States, including North Carolina and Georgia. If they had since been permitted to abide on their lands, it was by permission, a circumstance giving no right to deny the sovereignty of those States. Under the treaty of 1785 the United States "give peace to all the Cherokees and receive them into favor and protection." Subsequently they had made war on the United States, and peace was not concluded until 1791. No guarantee, however, was given by the United States adverse to the sovereignty of Georgia, and none could be given. Their course in establishing an independent government within the limits of Georgia, adverse to her will, had been the cause of inducing her to depart from the forbearance she had so long practiced, and to provoke the passage of the recent[2] act of her legislature, extending her laws and jurisdiction over their country. The arms of the United States, the President remarked, would never be employed to stay any State of the Union from the exercise of the legitimate powers belonging to her in her sovereign capacity. No remedy for them could be perceived except removal west of the Mississippi River, where alone peace and protection could be afforded them. To continue where they were could promise nothing but interruption and disquietude. Beyond the Mississippi the United States, possessing the sole sovereignty, could say to them that the land should be theirs while trees grow and water runs.

The delegation were much cast down by these expressions of the President, but they abated nothing of their demand for protection in what they considered to be the just rights of their people. They returned to their country more embittered than before against the Georgians, and lost no opportunity, by appeals to the patriotism as well as to the baser passions of their countrymen, to excite them to a determination to protect their country at all hazards against Georgian encroachment and occupation.[3]

GENERAL CARROLL'S REPORT ON THE CONDITION OF THE CHEROKEES.

About this time[4] General William Carroll was designated by the President to make a tour through the Cherokee and Creek Nations,

[1] Letter of Secretary of War to Cherokee delegation, April 18, 1829.

[2] December 20, 1828.

[3] Agent Montgomery to the Secretary of War, July 11, 1829.

[4] Secretary of War to General William Carroll, May 27, 1829.

with both of which he was supposed to possess much influence. His mission was to urge upon them, and especially upon the former, the expediency of their removal west of the Mississippi under the inducements held out by the treaty of 1828. A month later[1] Col. E. F. Tatnall and on the 8th of July General John Coffee were appointed to cooperate with General Carroll in the accomplishment of his mission. The results of this tour were communicated[2] to the War Department by General Carroll in a report in which he remarked that nothing could be done with the Cherokees by secret methods; they were too intelligent and too well posted on the current news of the day to be long kept in ignorance of the methods and motives of those who came among them. He had met their leading men at Newtown and had submitted a proposal for their removal which was peremptorily rejected. The advancement the Cherokees had made in religion, morality, general information, and agriculture had astonished him beyond measure. They had regular preachers in their churches, the use of spirituous liquors was in great degree prohibited, their farms were worked much after the manner of white people, and were generally in good order. Many families possessed all the comforts and some of the luxuries of life. Cattle, sheep, hogs, and fowl of every kind were found in great abundance. The Cherokees had been induced by Eastern papers to believe the President was not sustained by the people in his views of their proposed removal. Eastern members of Congress had given their delegation to understand while in Washington the preceding spring that the memorial left by them protesting against the extension of the laws of Georgia and Alabama over Cherokee territory would be sustained by Congress, and that until that memorial had been definitely acted on by that body all propositions to them looking toward removal would be worse than useless.

Cherokees refuse to cede lands in North Carolina.—In the early summer of 1829[3] a commission had also been appointed, consisting of Humphrey Posey and a Mr. Saunders, having in view the purchase from the Cherokees of that portion of their country within the limits of North Carolina, but it, too, failed wholly of accomplishing its purpose.

Coercive measures of the United States and Georgia.—Sundry expedients were resorted to, both by the General Government and by the authorities of Georgia, to compel the acquiescence of the Indians in the demands for their emigration.

The act of the Georgia legislature of December 20, 1828, already alluded to, was an act "to add the territory within this State and occupied by the Cherokee Indians to the counties of De Kalb *et al.*, and to extend the laws of this State over the same." This was followed[4] by

[1] June 25, 1829.
[2] November 19, 1829.
[3] June 23, 1829.
[4] December 19, 1829.

the passage of an act reasserting the territorial jurisdiction of Georgia and annulling all laws made by the Cherokee Indians. It further declared that in any controversy arising between white persons and Indians the latter should be disqualified as witnesses. Supplementary legislation of a similar character followed in quick succession, and the proclamation of the governor of the State was issued on the 3d of June, 1830, declaring the arrival of the date fixed by the aforesaid acts and the consequent subjection of the Cherokee territory to the State laws and jurisdiction.[1]

The President of the United States about the same time gave directions[2] to suspend the enrollment and removal of Cherokees to the west in small parties, accompanied by the remark that if they (the Cherokees) thought it for their interest to remain, they must take the consequences, but that the Executive of the United States had no power to interfere with the exercise of the sovereignty of any State over and upon all within its limits. The President also directed[3] that the previous practice of paying their annuities to the treasurer of the Cherokee Nation should be discontinued, and that they be thereafter distributed among the individual members of the tribe. Orders were shortly after[4] given to the commandant of troops in the Cherokee country to prevent *all persons*, including members of the tribe, from opening up or working any mineral deposits within their limits. All these additional annoyances and restrictions placed upon the free exercise of their supposed rights, so far from securing compliance with the wishes of the Government, had a tendency to harden the Cherokee heart.

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[1] Among other legislation on this subject enacted by Georgia may be enumerated the following, viz :

1. A penalty of forfeiture of all right to his land and improvements was denounced against any Cherokee who should employ any white man, or the slave of any white man, as a tenant-cropper, or assistant in agriculture, or as a miller or millwright.

2. Any Indian who should enroll for emigration and afterwards refuse to emigrate should forfeit all right to any future occupancy within the State.

3. No Indian should be allowed the use of more than 160 acres of land, including his dwelling house.

4. Grants were to be issued for all lots drawn in the late land and gold lottery, though they might lie within the improvements of an Indian who had by any previous Cherokee treaty received a reservation either in Georgia or elsewhere.

5. No contract between a white man and an Indian, either verbal or written, should be binding unless established by the testimony of two white witnesses.

6. Any Indian forcibly obstructing the occupancy by the drawer of any lot drawn in the land and gold lottery should be subject to imprisonment in the discretion of the court.

[2] Letter of War Department to Hugh Montgomery, Cherokee agent, June 9, 1830.

[3] Letter of Acting Secretary of War to H. Montgomery, Cherokee Agent, June 18, 1830.

[4] Letter of Acting Secretary of War to H. Montgomery, Cherokee Agent, June 26, 1830.

FAILURE OF COLONEL LOWRY'S MISSION.

In this situation of affairs Col. John Lowry was appointed[1] a special commissioner to visit the Cherokee Nation and again lay before them a formal proposition for their removal west. The substance of Mr. Lowry's proposal as communicated by him to their national council[2] was: (1) To give to the Cherokees a country west of the Mississippi, equal in value to the country they would leave; (2) each warrior and widow living within the limits of Alabama or Tennessee was to be permitted, if so desiring, to select a reservation of 200 acres, which, if subsequently abandoned, was to be sold for the reservee's benefit; (3) each Indian desiring to become a citizen of the United States was to have a reservation in fee-simple; (4) all emigrants were to be removed and fed one year at the expense of the United States, and to be compensated for all property, except horses, they should leave behind them, and, (5) the nation was to be provided with a liberal school fund.

Again the result was an emphatic refusal[3] on the part of the Cherokees to enter into negotiations on the subject. Other special commissioners and emissaries, of whom several were appointed in the next few months, met with the same reception.

DECISION OF THE SUPREME COURT IN CHEROKEE NATION VS. GEORGIA.

Determined to test the constitutionality of the hostile legislation of Georgia, application was made at the January term, 1831, of the Supreme Court of the United States, by John Ross, as principal chief, in the name of the Cherokee Nation, for an injunction against the State of Georgia. The application was based on the theory that the Cherokee Nation was a sovereign and independent power in the sense of the language of the second section of the third article of the Constitution of the United States providing for judicial jurisdiction of cases arising between a State, or the citizens thereof, and foreign states, citizens, or subjects. The majority of the court declared that the Cherokee Nation was not a foreign nation in the sense stated in the Constitution, and dismissed the suit for want of jurisdiction. From this decision, however, Justices Thompson and Story dissented.[4]

FAILURE OF MR. CHESTER'S MISSION.

No further formal attempt was made to secure a compliance with the wishes of the Government until the winter and spring of 1831–'32. A delegation of Cherokees had visited Washington in the interests of their people, and though nothing was accomplished through them, the language used by some members of the delegation had led the Govern-

[1] September 1, 1830.

[2] October 20, 1830.

[3] Action of Cherokee national council, October 22, 1830.

[4] Cherokee Nation *vs.* State of Georgia, Peters's United States Supreme Court Reports, Vol. V, p. 1.

ment authorities to hope that a change of sentiment on the subject of removal was rapidly taking place in their minds. In pursuance of this impression the Secretary of War, in the spring of 1832,[1] intrusted Mr. E. W. Chester with a mission to the Cherokees, and with instructions to offer them as a basis for the negotiation of a treaty the following terms:

1. The United States to provide them with a country west of Arkansas sufficiently large for their accommodation.

2. This country to be conveyed to them by patent under the act of Congress of May 28, 1830, and to be forever outside the limits of any State or Territory.

3. The Cherokees to retain and possess all the powers of self-government consistent with a supervisory authority of Congress.

4. To have an agent resident in Washington to represent their interest, who should be paid by the United States.

5. With the consent of Congress they should be organized as a Territory and be represented by a delegate in that body.

6. All white persons should be excluded from their country.

7. The United States to remove them to their new country and to pay the expenses of such removal, which might be conducted in either of three ways, viz:

(*a*) By a commutation in money, to be allowed either individuals or families.

(*b*) By persons to be appointed and paid by the United States.

(*c*) By arrangement among themselves, through which some competent person should remove them at a fixed rate.

8. The United States to provide them with subsistence for one year after removal.

9. An annuity to be secured to them proportioned to the value of the cession of territory they should make.

10. The United States to pay for all Indian improvements upon the ceded land.

11. Provision to be made for the support of schools, teachers, blacksmiths and their supplies, mills, school-houses, churches, council-houses, and houses for the principal chiefs.

12. A rifle to be presented to each adult male, and blankets, axes, plows, hoes, spinning-wheels, cards, and looms to each family.

13. Indian live stock to be valued and paid for by the United States.

14. Annuities under former treaties to be paid to them upon their arrival west of the Mississippi.

15. Provision to be made by the United States for Cherokee orphan children.

16. Protection to be guaranteed to the Cherokees against hostile Indians.

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[1]April 17, 1832.

17. A few individual reservations to be permitted east of the Mississippi, but only on condition that the reservees shall become citizens of the State in which they reside, and that all reservations between them and the United States, founded upon their previous circumstances as Indians, must cease.

Cherokees contemplate removal to Columbia River.—In the discussion of these propositions the fact was developed that a project had been canvassed, and had received much favorable consideration among the Cherokees themselves (in view of the difficulties and harrassing circumstances surrounding their situation), to abandon their eastern home and to remove to the country adjacent to the mouth of the Columbia River, on the Pacific coast. This proposition having reached the ears of the Secretary of War, he made haste, in a letter to Mr. Chester,[1] to discourage all idea of such a removal, predicated upon the theory that they would be surrounded by tribes of hostile savages, and would be too remote from the frontier and military posts of the United States to enable the latter to extend to them the arm of protection and support.

Nothing was accomplished by the negotiations of Mr. Chester, and in the autumn[2] of the same year Governor Lumpkin, of Georgia, was requested to attend the Cherokee council in October and renew the proposition upon the same basis. A similar fate attended this attempt.

DECISION OF SUPREME COURT IN WORCESTER VS. GEORGIA.

Among other laws passed by the State of Georgia was one that went into effect on the 1st of February, 1831, which prohibited the Cherokees from holding councils, or assembling for any purpose; provided for a distribution of their lands among her citizens; required all whites residing in the Cherokee Nation within her chartered limits to take an oath of allegiance to the State, and made it an offense punishable by four years' imprisonment in the penitentiary to refuse to do so. Under this law two missionaries, Messrs. Worcester and Butler, were indicted in the superior court of Gwinnett County for residing without license in that part of the Cherokee country attached to Georgia by her laws and in violation of the act of her legislature approved December 22, 1830. In the trial of Mr. Worcester's case, which was subsequently made the test case in the Supreme Court of the United States, he pleaded that he was a citizen of Vermont and entered the Cherokee country as a missionary with the permission of the President of the United States and the approval of the Cherokee Nation; that Georgia ought not to maintain the prosecution inasmuch as several treaties had been entered into by the United States with the Cherokee Nation, by which the latter were acknowledged as a sovereign nation, and by which the territory occupied by them had been guaranteed to them by the

[1] July 18, 1832.
[2] September 4, 1832.

United States. The superior court overruled this plea, and Mr. Worcester was tried, convicted, and sentenced to four years in the penitentiary.

The case was carried up on a writ of error to the Supreme Court of the United States, and that court asserted its jurisdiction. In rendering its decision the court remarks that the principle that discovery of parts of the continent of America gave title to the government by whose subjects or by whose authority it was made against all other European governments, which title might be consummated by possession, was acknowledged by all Europeans because it was the interest of all to acknowledge it, and because it gave to the nation making the discovery, as its inevitable consequence, the sole right of acquiring the soil and of making settlements on it. It was an exclusive principle which shut out the right of competition among those who had agreed to it, but not one which could annul the rights of those who had not agreed to it. It regulated the rights of the discoverers among themselves, but could not affect the rights of those already in possession as aboriginal occupants. It gave the exclusive right of purchase, but did not found it on a denial of the right of the possessor to sell. The United States succeeded to all the claims of Great Britain, both territorial and political. Soon after Great Britain had determined on planting colonies in America the King granted sundry charters to his subjects. They purport generally to convey the soil from the Atlantic to the South Sea. The soil was occupied by numerous warlike nations, willing and able to defend their possessions. The absurd idea that feeble settlements made on the sea-coast acquired legitimate power to govern the people or occupy the lands from sea to sea did not then enter the mind of any man. These charters simply conferred the right of purchasing such lands as the natives were willing to sell. The acknowledgment of dependence made in the various Cherokee treaties with Great Britain and the United States merely bound them as a dependent ally claiming the protection of a powerful friend and neighbor and receiving the advantages of that protection, without involving a surrender of their national character. Neither the Government nor the Cherokees ever understood it otherwise. Protection did not imply the destruction of the protected.

Georgia herself had furnished conclusive evidence that her former opinions on the subject of the Indians concurred with those entertained by her sister States and by the Government of the United States. Various acts of her legislature had been cited in the argument of the case, including the contract of cession made in 1802, all tending to prove her acquiescence in the universal conviction that the Cherokee Nation possessed a full right to the lands they occupied, until that right should be extinguished by the United States with their consent; that their territory was separated from that of any State within whose chartered limits they might reside, by a boundary line established by treaties; that

within their boundary they possessed rights with which no State could interfere, and that the whole power of regulating the intercourse with them was vested in the United States. The legislation of Georgia on this subject was therefore unconstitutional and void.[1]

Georgia refuses to submit to the decision of the Supreme Court.—Georgia refused to submit to the decision and alleged that the court possessed no right to pronounce it, she being by the Constitution of the United States a sovereign and independent State, and no new State could be formed within her limits without her consent.

President Jackson's dilemma.—The President was thus placed between two fires, Georgia demanding the force of his authority to protect her constitutional rights by refusing to enforce the decision of the court, and the Cherokees demanding the maintenance of their rights as guaranteed them under the treaty of 1791 and sustained by the decision of the Supreme Court.

It was manifest the request of both could not be complied with. If he assented to the desire of the Cherokees a civil war was likely to ensue with the State of Georgia. If he did not enforce the decision and protect the Cherokees, the faith of the nation would be violated.[2] In this dilemma a treaty was looked upon as the only alternative, by which the Cherokees should relinquish to the United States all their interest in lands east of the Mississippi and remove to the west of that river, and more earnest, urgent, and persistent pressure than before was applied from this time forward to compel their acquiescence in such a scheme.

DISPUTED BOUNDARIES BETWEEN CHEROKEES AND CREEKS.

Mention has already been made in discussing the terms of the treaty of September 22, 1816, of the complications arising out of the question of disputed boundaries between the Cherokees, Creeks, Choctaws, and Chickasaws. These disputes related chiefly to an adjustment of boundaries within the Territory of Alabama, rendered necessary for the definite ascertainment of the limits of the Creek cession of 1814. But as a result of the Cherokee cession of 1817 and the Creek cessions of 1818, 1821, 1826, and 1827, the true boundary between the territories of these two latter nations became not only a matter of dispute, but one that for years lent additional bitterness to the contest between the people of Georgia and the Indians, especially the Cherokees. Prior to the Revolution, the latter had claimed to own the territory within the limits of Georgia, as far south as the waters of Broad River, and extending from the headwaters of that river westward. Some of this territory

[1] Worcester *vs.* State of Georgia, Peters's United States Supreme Court Reports, Vol. VI, p. 515.

[2] According to the statement of Hon. Geo. N. Briggs, a member of Congress from Massachusetts, President Jackson remarked, after the case of Worcester *vs.* State of Georgia was decided, "Well, John Marshall has made his decision, now let him enforce it."

was also claimed by the Creeks, and the British Government had therefore in purchasing it accepted a cession from those tribes jointly.[1]

At the beginning of the Federal relations with the Cherokees, a definition of their boundaries had been made by treaty of November 28, 1785, extending on the south as far west as the headwaters of the Appalachee River. Beyond that point to the west no declaration as to the limits of the Cherokee territory was made, because, for the purposes of the Federal Government, none was at that time necessary. But when in course of time other cessions came to be made, both by the Cherokees and Creeks, it began to be essential to have an exact definition of the line of limits between them. Especially was this the case when, as by the terms of the Creek treaty of February 12, 1825,[2] they ceded all the territory to which they laid claim within the limits of Georgia, and although this treaty was afterwards declared void by the United States, because of alleged fraud, Georgia always maintained the propriety and validity of its negotiation.

As early as June 10, 1802, a delegation of Cherokees interviewed Colonel Hawkins and General Pickens, and after demanding the removal of certain settlers claimed to be on their lands, asserted the boundary of their nation in the direction of the Creeks to be the path running from Colonel Easley's, at High Shoals of the Appalachee, to Etowah River. This they had agreed upon in council with the Creeks. A delegation of the Creeks, whom they brought with them from the council, were then interrogated on the subject by Messrs. Hawkins and Pickens, and they replied that the statement of the Cherokees was correct.

In the spring of 1814 (May 15) Agent Meigs had written the Secretary of War that the Cherokees were sensible that the Creeks ought to cede to the United States sufficient land to fully compensate the latter for the expenses incurred in prosecuting the Creek war. However, they (the Cherokees) were incidentally interested in the arrangements, and hoped that the United States would not permit the Creeks to point out the specific boundaries of their cession until the division line between the two nations had been definitely determined. In the following year, in a discussion of the subject with Colonel Hawkins, the Creek agent, Colonel Meigs declares that the Cherokees repel the idea entertained by the Creeks that the Cherokee or Tennessee River was ever their southern boundary. On the contrary, the dividing line between the territories of the two nations should begin at Vann's Old Store, on the Ocmulgee River, thence pursuing such a course as would strike the Coosa River below the Ten Islands. This claim was predicated upon the assertion that the Cherokees had in the course of three successive wars with the Creeks driven them more than a degree of latitude below the point last

[1] Treaty June 1, 1773, between the British superintendent of Indian affairs and the Creeks and Cherokees.

[2] United States Statutes at Large, Vol. VII, p. 237.

named. Another Cherokee version was to the effect that at a joint council of the two nations, held prior to the Revolutionary War, the boundary question was a subject of discussion, when it was agreed to allow the oldest man in the Creek Nation to determine the point. This man was James McQueen, a soldier who had deserted from Oglethorpe's command soon after the settlement of Savannah. McQueen decided that the boundary should be a line drawn across the headwaters of Hatchet and Elk Creeks, the former being a branch of the Coosa and the latter a tributary of the Tallapoosa. This decision was predicated upon the fact that the Cherokees had driven the Creeks below this line, and it had been mutually agreed that it should constitute the boundary.

In contradiction of this it was asserted by the Creeks that in the year 1818 it had been admitted at a public meeting of the Creeks by "Sour Mush," a Cherokee chief, that the Creeks owned all the land up to the head of Coosa River, including all of its waters; that the Tennessee was the Cherokee River, and the territories of the two nations joined on the dividing ridge between those rivers. In former times, on the Chattahoochee, the Cherokees had claimed the country as low down as a branch of that river called Choky (Soquee) River. Subsequently they were told by the Coweta king, that they might live as low down as the Currahee Mountain, but that their young men had now extended their claim to Hog Mountain, without however any shadow of right or authority.[1]

With a view to an amicable adjustment of their respective rights a council was held between the chiefs and headmen of the two nations at the residence of General William McIntosh, in the Creek country, at which a treaty was concluded between themselves on the 11th of December, 1820. In the first article of this treaty the boundary line between the two nations was fixed as running from the Buzzard's Roost, on the Chattahoochee, in a direct line to the Coosa River, at a point opposite the mouth of Wills Town Creek, and thence down the Coosa River to a point opposite Fort Strother. This boundary was reaffirmed by them in a subsequent treaty concluded October 30, 1822.[2]

The Cherokee treaty of 1817 had assumed to cede a tract of country "Beginning at the high shoals of the Appalachy River and running thence along the boundary line between the Creek and Cherokee Nations westwardly to the Chatahouchy River," etc.

The Creek treaty of 1818[3] in turn ceded a tract the northern boundary of which extended from Suwanee Old Town, on the Chattahoochee, to the head of Appalachee River, and which overlapped a considerable portion of the Cherokee cession of 1817.

The Creek treaty of 1821[4] ceded a tract running as far north as the Shallow Ford of the Chattahoochee, which also included a portion of

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[1] Letter of D. B. Mitchell, Creek agent, to Secretary of War.

[2] See Indian Office files for these two treaties.

[3] United States Statutes at Large, Vol. VII, p. 171.

[4] Ib., p. 215.

the territory within the limits of the Cherokee domain, as claimed by the latter.

By the treaty of 1825[1] with the Creeks they ceded all their remaining territory in Georgia. Complaint being made that this treaty had been entered into by only a small non-representative faction of that nation, an investigation was entered upon by the United States authorities, and as the result it was determined to declare the treaty void and to negotiate a new treaty with them, which was done on the 24th of January, 1826.[2]

By this last treaty as amended the Creeks ceded all their land east of the Chattahoochee River, as well as a tract north and west of that river. In the cession of this latter tract it was assumed that a point on Chattahoochee River known as the Buzzard's Roost was the northern limit of the Creek supremacy.

The authorities of Georgia strongly insisted that not only had the treaty of 1825 been legitimately concluded, whereby they were entitled to come into possession of all the Creek domain within her limits, but also that the true line of the Creek limits toward the north had been much higher up than would seem to have been the understanding of the parties to the treaty of 1826.

In the following year the Creeks ceded all remaining territory they might have within the limits of Georgia.[3] This left the only question to be decided between the State of Georgia and the Cherokees the one of just boundaries between the latter and the country recently acquired from the Creeks.

The War Department had been of the impression that the proper boundary between the two nations was a line to be run directly from the High Shoals of the Appalachee to the Ten Islands, or Turkeytown, on the Coosa River.[4] On this hypothesis Agent Mitchell, of the Creeks, had been instructed, if he could do so, "without exciting their sensibilities," to establish it as the northern line of the Creek Nation.

Georgia, on the contrary, claimed that the proper boundary extended from Suwanee Old Town, on the Chattahoochee, to Sixes Old Town, on the Etowah River; from thence to the junction of the Etowah and Oostanaula Rivers, and following the Creek path from that point to Tennessee River. In pursuance of this claim Governor Forsyth instructed[5] Mr. Samuel A. Wales as the surveyor for that State to proceed to establish the line of limits in accordance therewith. Mr. Wales, upon commencing operations, was met with a protest from Colonel Montgomery, the Cherokee agent,[6] notwithstanding which he continued his operations in conformity with his original instructions.

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[1] United States Statutes at Large, Vol. VII, p. 237.

[2] Ib., p. 289.

[3] Ib., p. 307; Creek treaty of November 15, 1827.

[4] Letter of Secretary of War to D. B. Mitchell, Creek agent.

[5] Letter of Governor Forsyth, of Georgia, to Samuel A. Wales, May 5, 1829.

[6] Letter of Montgomery to Wales, May 13, 1829.

This action of the surveyor having produced a feeling of great excitement and hostility within the Cherokee Nation, rendering the danger of collision and bloodshed imminent, the United States authorities took the matter in hand, and, by direction of the President, General John Coffee was appointed and instructed[1] to proceed to the Cherokee Nation, and from the most reliable information and testimony attainable to report what, in his judgment, should in justice and fairness to all parties concerned be declared to be the true line of limits between Georgia, as the successor of the Creeks, and the Cherokee Nation.

General Coffee proceeded to the performance of the duty thus assigned him. A large mass of testimony and tradition on the subject was evoked, in summing up which General Coffee reported[2] to the Secretary of War that the line of demarkation between the two nations should begin at the lower Shallow Ford of the Chattahoochee, which was about 15 miles below the Suwanee Old Town. From thence the line should run westwardly in a direction to strike the ridge dividing the waters running into Little River (a branch of the Hightower or Etowah) from those running into Sweet Water Creek (a branch of the Chattahoochee emptying about 2 miles below Buzzard's Roost). From this point such ridge should be followed westwardly, leaving all the waters falling into Hightower and Coosa Rivers to the right and all the waters that run southwardly into Chattahoochee and Tallapoosa Rivers to the left, until such ridge should intersect the line (which had been previously as per agreement of 1821 between the Creeks and Cherokees themselves) run and marked from Buzzard Roost to Wills Creek, and thence with this line to the Coosa River opposite the mouth of Wills Creek.

Two weeks later[3] General Coffee, in a communication to the Secretary of War, alludes to the dissatisfaction of Georgia with the line as determined by him, and her claim to an additional tract of territory by remarking that "I have thought it right to give this statement for your own and the eye of the President only, that you may the better appreciate the character of the active agents and partisans of the Georgia claim, for really I cannot see any reasonable or plausible evidence on which she rests her claim."

The President, after a careful examination of the testimony and much solicitude upon the subject, decided to approve General Coffee's recommendation. The Cherokee agent was therefore directed[4] to notify all white settlers living north of Coffee's line to remove at once. The governor of Georgia was also notified of the President's decision, and, though strongly and persistently protesting against it, the President

[1] October 10, 1829.
[2] December 30, 1829.
[3] January 15, 1830.
[4] March 14, 1830.

firmly refused to revoke his action.[1] The Cherokees were equally dissatisfied with the decision, because the line was not fixed as far south as Buzzard's Roost, in accordance with the agreement of 1821 between themselves and the Creeks.[2]

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[1] Secretary of War to Governor Gilmer, of Georgia, June 1, 1830.

[2] The following paper, which is on file in the Office of Indian Affairs, is interesting in connection with the subject matter of this boundary:

Extract from treaties and other documents relative to the Cherokee lines in contact with the Creeks and Chickasaws west of Coosa River:

"*June* 10, 1786.—In the treaty of this date with the Chickasaws the lands allotted them eastwardly 'shall be the lands allotted to the Choctaws and Cherokees to live and hunt on.' In the conference which took place between the commissioners of the United States and the Chickasaws and Cherokees, it was apparent that their claims conflicted with each other on the ridge dividing the waters of Cumberland from those of Duck River and around to the Chickasaw Oldtown Creek on Tennessee, thence southwardly, leaving the mountains above the Muscle Shoals on the south side of the river, and to a large stone or flat rock, where the Choctaw line joined with the Chickasaws. The journal of occurrences at the time were lodged with the papers of the old Congress, and probably were transferred to the office of Secretary of State. On the 7th of January, 1806, in a convention between the United States and Cherokees, on the part of the former by Mr. Dearborn, the United States engaged to use their best endeavors to fix a boundary between the Cherokees and Chickasaws, 'beginning at the mouth of Caney Creek, near the lower part of the Muscle Shoals, and to run up the said creek to its head, and in a direct line from thence to the flat stone or rock, the old corner boundary,' the line between the Creeks and Cherokees east of Coosau River.

"In 1802, at the treaty of Fort Wilkinson, it was agreed between the parties that the line was 'from the High Shoals on Apalatche, the old path, leaving Stone Mountain to the Creeks, to the shallow ford on the Chatahoochee.'

"This agreement was in presence of the commissioners of the United States and witnessed by General Pickens and Colonel Hawkins. On the 10th October, 1809, a letter was sent from the Cherokees to the Creeks and received in February in the public square at Tookaubatche, stating the line agreed upon at Fort Wilkinson, and that 'all the waters of Etowah down to the ten islands below Turkeytown these lands were given up to the Cherokees at a talk at Chestoe in presence of the Little Prince, and Tustunnuggee Thlucco Chulioah, of Turkeystown, was the interpreter.'

"In August, 1814, at the treaty of Fort Jackson, the Creeks and Cherokees were invited to settle their claims, and Colonel Meigs was engaged for three or four days in aiding them to do so. The result was they could not agree, but would at some convenient period agree. This was signed by General Jackson, Colonel Hawkins, and Colonel Meigs.

"At the convention with the Creeks, in September, 1815, the Cherokees manifested a sincere desire to settle their boundaries with the Creeks, but the latter first declined and then refused. Tustunnuggee Thlucco, being asked where their boundary was west of Coosau, said there never was any boundary fixed and known as such between the parties, and after making Tennessee the boundary from tradition, and that the Cherokees obtained leave of them to cross it, the policy of the Creeks receiving all destroyed red people in their confederacy, the Cherokees were permitted to come over and settle as low down on the west of Coosau as Hauluthee Hatchee, from thence on the west side of Coosau on all its waters to its source. He has never heard, and he has examined all his people who can have any knowledge on the subject, that the Cherokees had any pretensions lower down Coosau on that side. He does not believe, and he has never heard, there was any boundary agreed upon between them. Being asked by Colonel Hawkins his opinion where the boundary should be, he says it

CHEROKEES PLEAD WITH CONGRESS AND THE PRESIDENT FOR JUSTICE.

A delegation of the Cherokees, with John Ross at their head, was quartered in Washington during the greater part of the winter of 1832–'33, bringing to bear in behalf of their nation every possible influence upon both Congress and the Executive. A voluminous correspondence was conducted between them and the War Department upon the subject of their proposed removal. In a communication on the 28th of January, 1833, they ask leave to say that, notwithstanding the various perplexities which the Cherokee people had experienced under the course of policy pursued toward them, they were yet unshaken in their objections to a removal west of the Mississippi River. On the question of their rights and the justice of their cause, their minds were equally unchangeable. They were, however, fully sensible that justice and weakness could not control the array of oppressive power, and that in the calamitous effects of such power, already witnessed, they could not fail to foresee with equal clearness that a removal to the west would be followed in a few years by consequences no less fatal.

They therefore suggested for the consideration of the President, whether it would not be practicable for the Government to satisfy the claims of Georgia by granting to those of her citizens who had in the lotteries of that State drawn lots of land within Cherokee limits other

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should go up Hauluthee Hatchee, passing a level of good land between two mountains, to the head of Itchau Hatchee, and down the same to Tennessee, about 8 or 9 miles above Nickajack. In the year 1798 the Cherokees had a settlement at the Muscle Shoals, Doublehead and Katagiskee were the chiefs, and the Creeks had a small settlement above the Creek path on Tennessee. The Cherokee settlement extended southwardly from the shoal probably a mile and a half. The principal temporary agent for Indian affairs south of the Ohio was early instructed in 1777 to ascertain the boundary line of the four nations, and instructions were given accordingly by him to Mr. Dinsmore and Mr. Mitchell to aid in doing it. Several attempts were made, but all proved abortive, owing to the policy of the Creeks, which was to unite the four nations in one confederacy and the national affairs of all to be in a convention to be held annually among the Creeks, where the speaker for the Creeks should preside.

"At every attempt made among the Creeks when these conventions met, the answer was, 'We have no dividing lines, nor never had, between us. We have lines only between us and the white people, our neighbors.' At times, when the subject was discussed in the convention of the Creeks, they claimed Tombigby, called by them Choctaw River (Choctau Hatchee), the boundary line between them and the Choctaws. Tustunneggee Hopoie, brother of the old Efau Hajo (mad dog), who died at ninety-six years of age, and retained strength of memory and intelligence to this great age, reported publicly to the agent, 'When he was a boy his father's hunting camp was at Puttauchau Hatchee (Black Warrior).' His father had long been at the head of the Creeks, and always told him 'Choctaw River was their boundary with the Choctaws.' He never saw a Choctaw hunting camp on this side the Black Warrior.

"A true copy from the original.

"PHIL. HAWKINS, Jr.,
"*Ast. A. I. A.*"

lands of the United States lying within the Territories and States of the Union, or in some other way.

The President urges their assent to removal.—The Secretary of War, in replying for the President (February 2, 1833), was unable to see that any practicable plan could be adopted by which the reversionary rights held under the State of Georgia could be purchased upon such terms as would justify the Government in entering into a stipulation to that effect. Nor would it at all remove the difficulties and embarrassments of their condition. They would still be subject to the laws of Georgia, surrounded by white settlements and exposed to all those evils which had always attended the Indian race when placed in immediate contact with the white population. It was only by removing from these surroundings that they could expect to avoid the fate which had already swept away so many Indian tribes.

Reply of John Ross.—Ross retorted, in a communication couched in diplomatic language, that it was with great diffidence and deep regret he felt constrained to say, that in this scheme of Indian removal he could see more of expediency and policy to get rid of the Cherokees than to perpetuate their race upon any permanent, fundamental principle. If the doctrine that Indian tribes could not exist contiguous to a white population should prevail, and they should be compelled to remove west of the States and Territories of this republic, what was to prevent a similar removal of them from there for the same reason?

Without securing any promises of relief, and without reaching any definite understanding with the executive authorities of the Government, the delegation left for their homes in March, 1833. They agreed, however, to lay before their national council in the ensuing May a proposition made to them by the President, offering to pay them $2,500,000 in goods for their lands, with the proviso that they should remove themselves at their own expense.[1] This proposition, it is hardly necessary to remark, was not favorably considered by the council, though the Secretary of War designated[2] Mr. Benjamin F. Curry to attend the meeting and urge its acceptance.

Alleged attempted bribery of John Ross.—In this connection a story having been given currency that the Government had offered Chief Ross a bribe, provided he would secure the conclusion of a treaty of cession and removal, the Commissioner of Indian Affairs denied it as being "utterly without foundation, and one of those vile expedients that unprincipled men sometimes practice to accomplish an evil purpose," and as being "too incredible to do much injury."[3] While this story was perhaps without solid foundation in fact, its improbability would possibly have been more evident but for the fact that only five years earlier the Secretary of War had appointed secret agents and

[1] Letter of Secretary of War to Governor Lumpkin, of Georgia, March 12, 1833.
[2] March 21, 1833.
[3] Commissioner of Indian Affairs to Agent Montgomery, April 22, 1833.

authorized them to expend $2,000 in bribing the chiefs for this very purpose, and had made his action in this respect a matter of public record.

CHEROKEES PROPOSE AN ADJUSTMENT.

In January, 1834, a few weeks after the assembling of Congress, the Cherokee delegation again arrived in Washington.[1] Sundry interviews and considerable correspondence with the War Department seemed barren of results or even hope. The delegation submitted[2] a proposition for adjustment in another form. Remarking upon their feeble numbers, and surrounded as they were by a nation so powerful as the United States, they could not but clearly see, they said, that their existence and permanent welfare as a people must depend upon that relation which should eventually lead to an amalgamation with the people of the United States. As the prospects of securing this object collectively, in their present location in the character of a territorial or State government, seemed to be seriously opposed and threatened by the States interested in their own aggrandizement, and as the Cherokees had refused, and would never voluntarily consent, to remove west of the Mississippi, the question was propounded whether the Government would enter into an arrangement on the basis of the Cherokees becoming prospectively citizens of the United States, provided the former would cede to the United States a portion of their territory for the use of Georgia; and whether the United States would agree to have the laws and treaties executed and enforced for the effectual protection of the Cherokees on the remainder of their territory for a definite period, with the understanding that upon the expiration of that period the Cherokees were to be subjected to the laws of the States within whose limits they might be, and to take an individual standing as citizens thereof, the same as other free citizens of the United States, with liberty to dispose of their surplus lands in such manner as might be agreed upon.

Cherokee proposals declined.—The reply[3] to this proposition was that the President did not see the slightest hope of a termination to the embarrassments under which the Cherokees labored except in their removal to the country west of the Mississippi.

Proposal of Andrew Ross.—In the mean time[4] Andrew Ross, who was a member of the Cherokee delegation, suggested to the Commissioner of Indian Affairs that if he were authorized so to do he would proceed to the Cherokee country and bring a few chiefs or respectable individuals of the nation to Washington, with whom a treaty could be effected for the cession of the whole or part of the Cherokee territory. His plan

[1] Secretary of War to Governor Lumpkin, of Georgia, January 28, 1834.
[2] March 28, 1834.
[3] May 1, 1834.
[4] March 3, 1834.

was approved, with the understanding that if a treaty should be concluded the expenses of the delegation would be paid by the United States. Ross succeeded in assembling some fifteen or twenty Cherokees at the Cherokee agency, all of whom were favorable to the scheme of emigration. Under the self-styled appellation of a committee, they proceeded to appoint a chief and assistant chief in the persons of William Hicks and John McIntosh, and selected eight of their own number as the remainder of the delegation to visit Washington.[1]

Protest of John Ross and thirteen thousand Cherokees.—Upon their arrival Hon. J. H. Eaton was designated[2] to conduct the negotiations with them. During the pendency of the negotiations Mr. Eaton advised John Ross of the purpose in view and solicited his co-operation in the scheme. Mr. Ross refused[3] this proposal with much warmth, and took occasion to add in behalf of the Cherokee Nation that "in the face of Heaven and earth, before God and man, I most solemnly protest against any treaty whatever being entered into with those of whom you say one is in progress so as to affect the rights and interests of the Cherokee Nation east of the Mississippi River."

Chief Ross also presented a protest, alleged to have been signed by more than thirteen thousand Cherokees, against the negotiation of such a treaty.

Preliminary treaty concluded with Andrew Ross et al.—Disregarding the protest of Chief Ross and distrusting the verity of that purporting to have been so numerously signed in the nation, the negotiations proceeded, and a treaty or agreement was concluded on the 19th day of June, 1834. The treaty provided for the opening of emigrant enrolling books, with a memorandum heading declaring the assent of the subscriber to a treaty yet to be concluded with the United States based upon the terms previously offered by the President, covering a cession and removal, and with the proviso that if no such subsequent treaty should be concluded within the next few months then the subscribers would cede to the United States all their right and interest in the Cherokee lands east of the Mississippi. In consideration of this they were to be removed and subsisted for one year at the expense of the United States, to receive the ascertained value of their improvements, and to be entitled to all such stipulations as should thereafter be made in favor of those who should not then remove.

The treaty, however, failed of ratification, though the enrolling books were opened[4] and a few of the Cherokees entered their names for emigration.

CHEROKEES MEMORIALIZE CONGRESS.

While the negotiations leading up to the conclusion of this treaty were in progress John Ross and his delegation, finding no disposition

[1] Letter of John Ross and others to Secretary of War, inclosing protest, May 24, 1834.
[2] Letter of Hon. J. H. Eaton to John Ross, May 26, 1834.
[3] May 29, 1834.
[4] Secretary of War to governor of Georgia, July 8, 1834.

on the part of the executive authority to enter into a discussion of Cherokee affairs predicated upon any other basis than an abandonment by them of their homes and country east of the Mississippi, presented[1] a memorial to Congress complaining of the injuries done them and praying for redress. Without affecting to pass judgment on the merits of the controversy, the writer thinks this memorial well deserving of reproduction here as evidencing the devoted and pathetic attachment with which the Cherokees clung to the land of their fathers, and, remembering the wrongs and humiliations of the past, refused to be convinced that justice, prosperity, and happiness awaited them beyond the Mississippi.

The memorial of the Cherokee Nation respectfully showeth, that they approach your honorable bodies as the representatives of the people of the United States, intrusted by them under the Constitution with the exercise of their sovereign power, to ask for protection of the rights of your memorialists and redress of their grievances.

They respectfully represent that their rights, being stipulated by numerous solemn treaties, which guaranteed to them protection, and guarded as they supposed by laws enacted by Congress, they had hoped that the approach of danger would be prevented by the interposition of the power of the Executive charged with the execution of treaties and laws; and that when their rights should come in question they would be finally and authoritatively decided by the judiciary, whose decrees it would be the duty of the Executive to see carried into effect. For many years these their just hopes were not disappointed.

The public faith of the United States, solemnly pledged to them, was duly kept in form and substance. Happy under the parental guardianship of the United States, they applied themselves assiduously and successfully to learn the lessons of civilization and peace, which, in the prosecution of a humane and Christian policy, the United States caused to be taught them. Of the advances they have made under the influence of this benevolent system, they might a few years ago have been tempted to speak with pride and satisfaction and with grateful hearts to those who have been their instructors. They could have pointed with pleasure to the houses they had built, the improvements they had made, the fields they were cultivating; they could have exhibited their domestic establishments, and shown how from wandering in the forests many of them had become the heads of families, with fixed habitations, each the center of a domestic circle like that which forms the happiness of civilized man. They could have shown, too, how the arts of industry, human knowledge, and letters had been introduced amongst them, and how the highest of all the knowledge had come to bless them, teaching them to know and to worship the Christian's God, bowing down to Him at the same seasons and in the same spirit with millions of His creatures who inhabit Christendom, and with them embracing the hopes and promises of the Gospel.

But now each of these blessings has been made to them an instrument of the keenest torture. Cupidity has fastened its eye upon their lands and their homes, and is seeking by force and by every variety of oppression and wrong to expel them from their lands and their homes and to tear them from all that has become endeared to them. Of what they have already suffered it is impossible for them to give the details, as they would make a history. Of what they are menaced with by unlawful power, every citizen of the United States who reads the public journals is aware. In this their distress they have appealed to the judiciary of the United States, where their rights have been solemnly established. They have appealed to the Executive of the United States to protect these rights according to the obligations of treaties and the injunctions of the laws. But this appeal to the Executive has been made in vain.

[1] May 17, 1834.

In the hope that by yielding something of their clear rights they might succeed in obtaining security for the remainder, they have lately opened a correspondence with the Executive, offering to make a considerable cession from what had been reserved to them by solemn treaties, only upon condition that they might be protected in the part not ceded. But their earnest supplication has been unheeded, and the only answer they can get, informs them, in substance, that they must be left to their fate, or renounce the whole. What that fate is to be unhappily is too plain.

The State of Georgia has assumed jurisdiction over them, has invaded their territory, has claimed the right to dispose of their lands, and has actually proceeded to dispose of them, reserving only a small portion to individuals, and even these portions are threatened and will no doubt, soon be taken from them. Thus the nation is stripped of its territory and individuals of their property without the least color of right, and in open violation of the guarantee of treaties. At the same time the Cherokees, deprived of the protection of their own government and laws, are left without the protection of any other laws, outlawed as it were and exposed to indignities, imprisonment, persecution, and even to death, though they have committed no offense whatever, save and except that of seeking to enjoy what belongs to them, and refusing to yield it up to those who have no pretense of title to it. Of the acts of the legislature of Georgia your memorialists will endeavor to furnish copies to your honorable bodies, and of the doings of individuals they will furnish evidence if required. And your memorialists further respectfully represent that the Executive of the United States has not only refused to protect your memorialists against the wrongs they have suffered and are still suffering at the hands of unjust cupidity, but has done much more. It is but too plain that, for several years past, the power of the Executive has been exerted on the side of their oppressors and is co-operating with them in the work of destruction. Of two particulars in the conduct of the Executive your memorialists would make mention, not merely as matters of evidence but as specific subjects of complaint in addition to the more general ones already stated.

The first of these is the mode adopted to oppress and injure your memorialists under color of enrollments for emigration. Unfit persons are introduced as agents, acts are practiced by them that are unjust, unworthy, and demoralizing, and have no object but to force your memorialists to yield and abandon their rights by making their lives intolerably wretched. They forbear to go into particulars, which nevertheless they are prepared, at a proper time, to exhibit.

The other is calculated also to weaken and distress your memorialists, and is essentially unjust. Heretofore, until within the last four years, the money appropriated by Congress for annuities has been paid to the nation, by whom it was distributed and used for the benefit of the nation. And this method of payment was not only sanctioned by the usage of the Government of the United States, but was acceptable to the Cherokees. Yet, without any cause known to your memorialists, and contrary to their just expectations, the payment has been withheld for the period just mentioned, on the ground, then for the first time assumed, that the annuities were to be paid, not as hitherto, to the nation, but to the individual Cherokees, each his own small fraction, dividing the whole according to the numbers of the nation. The fact is, that for the last four years the annuities have not been paid at all.

The distribution in this new way was impracticable, if the Cherokees had been willing thus to receive it, but they were not willing; they have refused and the annuities have remained unpaid. Your memorialists forbear to advert to the motives of such conduct, leaving them to be considered and appreciated by Congress. All they will say is, that it has coincided with other measures adopted to reduce them to poverty and despair and to extort from their wretchedness a concession of their guaranteed rights. Having failed in their efforts to obtain relief elsewhere, your memorialists now appeal to Congress, and respectfully pray that your honorable bodies will look into their whole case, and that such measures may be adopted as will give them redress and security.

TREATY NEGOTIATIONS RESUMED.

Rival delegations headed by Ross and Ridge.—But little else was done and practically nothing was accomplished until the following winter. Early in February, 1835, two rival delegations, each claiming to represent the Cherokee Nation, arrived in Washington. One was headed by John Ross, who had long been the principal chief and who was the most intelligent and influential man in the nation. The rival delegation was led by John Ridge, who had been a subchief and a man of some considerable influence among his people.[1] The Ross delegation had been consistently and bitterly opposed to any negotiations having in view the surrender of their territory and a removal west of the Mississippi. Ridge and his delegation, though formerly of the same mind with Ross, had begun to perceive the futility of further opposition to the demands of the State and national authorities. Feeling the certainty that the approaching crisis in Cherokee affairs could have but one result, and perceiving an opportunity to enhance his own importance and to secure the discomfiture of his hitherto more powerful rival, Ridge caused it to be intimated to the United States authorities that he and his delegation were prepared to treat with them upon the basis previously laid down by President Jackson of a cession of their territory and a removal west.

Rev. J. F. Schermerhorn was therefore appointed,[2] and instructions were prepared authorizing him to meet Ridge and his party and to ascertain on what terms an amicable and satisfactory arrangement could be made. After the instructions had been delivered to Mr. Schermerhorn, but before he had commenced the negotiation, Ross and his party requested to be allowed to make a proposal to be submitted to the President for his approval. He was assured that his proposal would be considered, and in the mean time Mr. Schermerhorn was requested to suspend his operations. So much time, however, elapsed before anything more was heard from Ross and his party that the negotiations with the Ridge party were proceeded with. They terminated in a general understanding respecting the basis of an arrangement, leaving, however, many of the details to be filled up. The total amount of the various stipulations provided for, as a full consideration for the cession of their lands, was $3,250,000, besides the sum of $150,000 for depredation claims. In addition, a tract of 800,000 acres of land west of the Mississippi was to be added to the territory already promised them, amounting in the aggregate, including the western outlet, to about 13,800,000 acres.[3]

[1] The Ross delegation was composed of John Ross, R. Taylor, Daniel McCoy, Samuel Gunter, and William Rogers. The Ridge delegation consisted of John Ridge, William A. Davis, Elias Boudinot, A. Smith, S. W. Bell, and J. West.

[2] February 11, 1835.

[3] Memorandum delivered by Secretary of War to Senator King, of Georgia, February 28, 1835.

Proposition of John Ross.—On the 25th of February, Ross and his delegation, finding that the negotiations with Ridge were proceeding, submitted a proposition for removal based upon an allowance of $20,000,000 for the cession of the territory and the payment of a class of claims of uncertain number and value. This was considered so unreasonable as to render the seriousness of his proposition doubtful at the time, but it was finally modified by an assertion of his willingness to accept such sum as the Senate of the United States should declare to be just and proper.[1] Thereupon a statement of all the facts was placed in the hands of Senator King, of Georgia, who submitted the same to the Senate Committee on Indian Affairs on the 2d of March. It was not contemplated that any arrangement made with these Cherokee delegations at this time should be definitive, but that the Cherokee people should be assembled for the purpose of considering the subject, and their assent asked to such propositions as they might deem satisfactory.

Resolution of United States Senate on John Ross's proposition.—The Senate gave the matter prompt consideration, and on the 6th of March the Secretary of War advised Mr. Ross that by a resolution they had stated their opinion that "a sum not exceeding $5,000,000 should be paid to the Cherokee Indians for all their lands and possessions east of the Mississippi River," and he was invited to enter into negotiations upon that basis, but declined to do so.

Preliminary treaty concluded with the Ridge party.—The treaty between Schermerhorn and the Ridge party was thereupon completed with some modifications and duly signed on the 14th of March, but with the express stipulation that it should receive the approval of the Cherokee people in full council assembled before being considered of any binding force. The consideration was changed to read $4,500,000 and 800,000 acres of additional land, but in the main its provisions differed but little in the important objects sought to be secured from those contained in the treaty as finally concluded, December 29, 1835.

Schermerhorn and Carroll appointed to complete the treaty.—In the mean time,[2] two days after the conclusion of the preliminary Ridge treaty, President Jackson issued an address to the Cherokees, inviting them to a calm consideration of their condition and prospects, and urging upon them the benefits certain to inure to their nation by the ratification of the treaty just concluded and their removal to the western country. This address was intrusted to Rev. J. F. Schermerhorn and General William Carroll, whom the President had appointed on the 2d of April as commissioners to complete in the Cherokee country the negotiation of the treaty.

General Carroll being unable on account of ill-health to proceed from Nashville to the Cherokee Nation, Mr. Schermerhorn was compelled to assume the responsibilities of the negotiation alone. The entire sum-

[1] Memorandum delivered by Secretary of War to Senator King, of Georgia, February 28, 1835.

[2] March 16, 1835.

mer and fall were spent in endeavors to reconcile differences of opinion, to adjust feuds among the different factions of the tribe, and to secure some definitive and consolidated action. Meeting with no substantial encouragement, he suggested, in a communication to the Secretary of War,[1] two alternative propositions, by either of which a treaty might be secured.

These propositions were: (1) That the appraising agents of the Government should ascertain from influential Cherokees their own opinion of the value of their improvements, and promise them the amount, if this estimate should be in any degree reasonable, and if they would take a decided stand in favor of the treaty and conclude the same. (2) To conclude the treaty with a portion of the nation only, should one with the whole be found impracticable, and compel the acquiescence of the remainder in its provisions.

He was at once[2] advised of the opposition of the President to any such action. If a treaty could not be concluded upon fair and open terms, he must abandon the effort and leave the nation to the consequences of its own stubbornness. He must make no particular promise to any individual, high or low, to gain his co-operation. The interest of the whole must not be sacrificed to the cupidity of a few, and if a treaty was concluded at all it must be one that would stand the test of the most rigid scrutiny.

The Ridge treaty rejected.—The Cherokee people in full council at Red Clay, in the following October, rejected the Ridge treaty. Mr. John Ridge and Elias Boudinot, who had been the main stay and support of Mr. Schermerhorn in the preceding negotiations, at this council, through fear or duplicity and unexpectedly to him, abandoned their support of his measures and coincided with the preponderance of Cherokee sentiment on the subject. In his report of this failure to bring the negotiations to a successful termination Commissioner Schermerhorn says: "I have pressed Ross so hard by the course I have adopted that although he got the general council to pass a resolution declaring that they would not treat on the basis of the $5,000,000, yet he has been forced to bring the nation to agree to a treaty, here or at Washington. They have used every effort to get by me and get to Washington again this winter. They dare not yet do it. You will perceive Ridge and his friends have taken apparently a strange course. I believe he began to be discouraged in contending with the power of Ross; and perhaps also considerations of personal safety have had their influence, but the Lord is able to overrule all things for good."[3]

Council at New Echota.—During the session of this council notice was given to the Cherokees to meet the United States commissioners on the third Monday in December following, at New Echota, for the pur-

[1] September 10, 1835.

[2] September 26, 1835.

[3] Senate Document 120, Twenty-fifth Congress, second session, p. 124.

pose of negotiating and agreeing upon the terms of a treaty. The notice was also printed in Cherokee and circulated throughout the nation, informing the Indians that those who did not attend would be counted as assenting to any treaty that might be made.[1] In the mean time the Ross delegation, authorized by the Red Clay council to conclude a treaty either there or at Washington, finding that Schermerhorn had no authority to treat on any other basis than the one rejected by the nation, proceeded, according to their people's instructions, to Washington. Previous to their departure, John Ross was arrested. This took place immediately upon the breaking up of the council. He was detained some time under the surveillance of a strong guard, without any charge against him, and ultimately released without any apology or explanation. At this arrest all his papers were seized, including as well all his private correspondence and the proceedings of the Cherokee council.[2] In accordance with the call for a council at New Echota the Indians assembled at the appointed time and place, to the number of only three to five hundred, as reported[3] by Mr. Schermerhorn himself, who could hardly be accused of any tendency to underestimate the gathering. That gentleman opened the council December 22, 1835, in the absence of Governor Carroll, whose health was still such as to prevent his attendance. The objects of the council were fully explained, the small attendance being attributed to the influence of John Ross. It was also suggested by those unfriendly to the proposed treaty as a good reason for the absence of so large a proportion of the nation, that the right to convene a national council was vested in the principal chief, and they were unaware that that officer's authority had been delegated to Mr. Schermerhorn.[2]

Those present resolved on the 23d to enter into negotiations and appointed a committee of twenty to arrange the details with the Commissioner and to report the result to the whole council.

The following five days were occuqied by the commissioner and the committee in discussing and agreeing upon the details of the treaty, one point of difference being as to whether the $5,000,000 consideration for their lands as mentioned in the resolution of the Senate was meant to include the damages to individual property sustained at the hands of white trespassers.

The Indians insisted that $300,000 additional should be allowed for that purpose, but it was finally agreed that the treaty should not be presented to the Senate without the consent of their delegation until they were satisfied the Senate had not included these claims in the sum named in the resolution of that body. It was also insisted by the Cherokee committee that reservations should be made to such of their people

[1] See proceedings of council.

[2] National Intelligencer, May 22, 1838.

[3] Schermerhorn to Commissioner of Indian Affairs, December 31, 1835.

as desired to remain in their homes and become citizens of the United States.

As a compromise of this demand, it was agreed by the United States commissioner to allow pre-emptions of 160 acres each, not exceeding 400 in number, in the States of North Carolina, Tennessee, and Alabama, to such heads of Cherokee families only as were qualified to become useful members of society. None were to be entitled to this privilege unless their applications were recommended by a committee of their own people (a majority of which committee should be composed of those members of the tribe who were themselves enrolled for removal) and approved by the United States commissioners. The latter also proposed to make the reservations dependent upon the approval of the legislatures of the States within which they might be respectively located, but to this proposition a strenuous objection was offered by the Indians.

The articles as agreed upon were reported by the Cherokee committee to their people, and were approved, transcribed, and signed on the 29th.

The council adjourned on the 30th, after designating a committee to proceed to Washington and urge the ratification of the treaty, clothed with power to assent to any alterations made necessary by the action of the President or Senate.[1]

Commissioner Schermerhorn reports conclusion of a treaty.—Immediately following the adjournment of the council, Commissioner Schemerhorn wrote the Secretary of War, saying: "I have the extreme pleasure to announce to you that yesterday I concluded a treaty. * * * Ross after this treaty is prostrate. The power of the nation is taken from him, as well as the money, and the treaty will give general satisfaction."[2]

Supplemental treaty concluded.—Several provisons of the treaty met with the disapproval of the President, in order to meet which supplementary articles of agreement were concluded under date of March 1, 1836,[3] wherein it was stipulated that all pre-emption rights provided for should be declared void; also that, in lieu of the same and to cover expenses of removal and payment of claims against citizens of the United States, the sum of $600,000 should be allowed them in addition to the five millions allowed for cession of territory. And, furthermore, that the $100,000 stipulated to be expended for the poorer class of Cherokees who should remove west should be placed to the credit of the general national fund.[4]

Opposition of the Ross party.—Whilst these events were happening, and strenuous efforts were being made to encourage among Senators a

[1] See report of proceedings of council.

[2] National Intelligencer, May 22, 1838.

[3] United States Statutes at Large, Vol. VII, p. 488.

[4] In addition to these sums, an appropriation of $1,047,067 was made by the act of June 13, 1838, in full of all objects specified in the third supplemental article and for the one year's subsistence provided for in the treaty.

sentiment favorable to the ratification of the treaty, John Ross was manifesting his usual zeal and activity in the opposite direction. Early in the spring of 1836 he made his appearance in Washington, accompanied by a delegation, and presented two protests against the ratification of the treaty, one purporting to have been signed by Cherokees residing within the limits of North Carolina to the number of 3,250, and the other representing the alleged sentiments of 12,714 persons residing within the main body of the nation. Mr. Ross also demanded the payment of the long withheld annuities to himself as the duly authorized representative of the nation, which was declined unless special direction to that effect should be given by an authentic vote of the tribe from year to year. He was further assured that the President had ceased to recognize any existing government among the Eastern Cherokees.[1]

Treaty ratified by United States Senate.—In spite of the opposition of Mr. Ross and his party, the treaty was assented to by the Senate by one more than the necessary two-thirds majority,[2] and was ratified and proclaimed by the President on the 23d of May, 1836.[3] By its terms two years were allowed within which the nation must remove west of the Mississippi.

Measures for execution of the treaty.—Preparatory steps were promptly taken for carrying the treaty into execution. On the 7th of June Gov. Wilson Lumpkin, of Georgia, and Gov. William Carroll, of Tennessee, were designated as commissioners under the 17th article, and vested with general supervisory authority over the execution of the treaty. The selection and general supervision (under the foregoing commissioners) of the agents to appraise the value of Cherokee improvements was placed in charge of Benjamin F. Curry, to whom detailed instructions were given[4] for his guidance. General John E. Wool was placed in command of the United States troops within the Cherokee Nation, but with instructions[5] that military force should only be applied in the event of hostilities being commenced by the Cherokees.

The Ross party refuse to acquiesce.—John Ross and his delegation, having returned home, at once proceeded to enter upon a vigorous campaign of opposition to the execution of the treaty. He used every means to incite the animosity of his people against Ridge and his friends, who had been instrumental in bringing it about and who were favorable to removal. Councils were held and resolutions were adopted denouncing in the severest terms the motives and action of the United States authorities and declaring the treaty in all its provisions abso-

[1] Commissioner of Indian Affairs to John Ross, March 9, 1836.

[2] Hon. P. M. Butler, in a confidential letter to the Commissioner of Indian Affairs, March 4, 1842, says: "The treaty, as the Department is aware, was sustained by the Senate of the United States by a majority of one vote."

[3] United States Statutes at Large, Vol. VII, p. 478 *et seq.*

[4] July 25, 1836.

[5] July 30, 1836.

lutely null and void.[1] A copy of these resolutions having been transmitted to the Secretary of War by General Wool, the former was directed[2] by the President to express his astonishment that an officer of the Army should have received or transmitted a paper so disrespectful to the Executive, to the Senate, and through them to the people of the United States. To prevent any misapprehension on the subject of the treaty the Secretary was instructed to repeat in the most explicit terms the settled determination of the President that it should be executed without modification and with all the dispatch consistent with propriety and justice. Furthermore, that after delivering a copy of this letter to Mr. Ross no further communication should be held with him either orally or in writing in regard to the treaty.

To give a clearer idea of the actual state of feeling that pervaded the Cherokee Nation on the subject of removal, as well as the character of the methods that distinguished the negotiators on the part of the United States, a few quotations from the letters and reports of those in a position to observe the passing events may not be inappropriate.

REPORT OF MAJOR DAVIS.

Maj. William M. Davis had been appointed an agent by the Secretary of War for the enrollment of Cherokees desirous of removal to the West and for the appraisement of the value of their improvements. He had gone among the Cherokees for this specific purpose. He held his appointment by the grace and permission of the President. It was natural that his desire should be strongly in the line of securing the Executive approval of his labors.

Strong, however, as was that desire he was unable to bring himself to the support of the methods that were being pursued in the negotiation of the proposed treaty. On the 5th of March following the conclusion of the treaty of 1835, he wrote the Secretary of War thus:

> I conceive that my duty to the President, to yourself, and to my country, reluctantly compels me to make a statement of facts in relation to a meeting of a small number of Cherokees at New Echota last December, who were met by Mr. Schermerhorn and articles of a general treaty entered into between them for the whole Cherokee Nation.
>
> * * * I should not interpose in the matter at all but I discover that you do not receive impartial information on the subject; that you have to depend upon the *ex parte*, partial, and interested reports of a person who will not give you the truth. I will not be silent when I see that you are about to be imposed on by a gross and base betrayal of the high trust reposed in Rev. J. F. Schermerhorn by you. His conduct and course of policy was a series of blunders from first to last. * * * It has been wholly of a partisan character.

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[1] The Secretary of War, October 12, 1836, directed General Wool to inform Mr. Ross that the President regarded the proceedings of himself and associates in council as in direct contravention of the plighted faith of their people, and a repetition of them would be considered as indicative of a design to prevent the execution of the treaty even at the hazard of actual hostilities, and they would be promptly repressed.

[2] October 17, 1836.

Sir, that paper * * * called a treaty is no treaty at all, because not sanctioned by the great body of the Cherokees and made without their participation or assent. I solemnly declare to you that upon its reference to the Cherokee people it would be instantly rejected by nine-tenths of them and I believe by nineteen-twentieths of them. There were not present at the conclusion of the treaty more than one hundred Cherokee voters, and not more than three hundred, including women and children, although the weather was everything that could be desired. The Indians had long been notified of the meeting, and blankets were promised to all who would come and vote for the treaty. The most cunning and artful means were resorted to to conceal the paucity of numbers present at the treaty. No enumeration of them was made by Schermerhorn. The business of making the treaty was transacted with a committee appointed by the Indians present, so as not to expose their numbers. The power of attorney under which the committee acted was signed only by the president and secretary of the meeting, so as not to disclose their weakness. * * * Mr. Schermerhorn's apparent design was to conceal the real number present and to impose on the public and the Government upon this point. The delegation taken to Washington by Mr. Schermerhorn had no more authority to make a treaty than any other dozen Cherokees accidentally picked up for that purpose. I now warn you and the President that if this paper of Schermerhorn's called a treaty is sent to the Senate and ratified you will bring trouble upon the Government and eventually destroy this (the Cherokee) nation. The Cherokees are a peaceable, harmless people, but you may drive them to desperation, and this treaty cannot be carried into effect except by the strong arm of force.[1]

ELIAS BOUDINOT'S VIEWS.

About this time there also appeared, in justification of the treaty and of his own action in signing it, a pamphlet address issued by Elias Boudinot of the Cherokee Nation. Mr. Boudinot was one of the ablest and most cultured of his people, and had long been the editor and publisher of a newspaper in the nation, printed both in English and Cherokee. The substance of his argument in vindication of the treaty may have been creditable from the standpoint of policy and a regard for the future welfare of his people, but in the abstract it is a dangerous doctrine. He said:

We cannot conceive of the acts of a minority to be so reprehensible and unjust as are represented by Mr. Ross. If one hundred persons are ignorant of their true situation and are so completely blinded as not to see the destruction that awaits them, we can see strong reasons to justify the action of a minority of fifty persons to do what the majority would do if they understood their condition, to save a nation from political thralldom and moral degradation. [2]

SPEECH OF GENERAL R. G. DUNLAP.

It having been extensively rumored, during the few months immediately succeeding the conclusion of the treaty, that John Ross and other evil disposed persons were seeking to incite the Cherokees to outbreak and bloodshed, the militia of the surrounding States were called into service for the protection of life and property from the supposed existing dangers. Brig. Gen. R. G. Dunlap commanded the East

[1] Senate confidential document, April 12, 1836, p. 200.

[2] National Intelligencer, May 22, 1838.

Tennessee volunteers. In a speech to his brigade at their disbandment in September, 1836, he used the following language:

I forthwith visited all the posts within the first three States and gave the Cherokees (the whites needed none) all the protection in my power. * * * My course has excited the hatred of a few of the lawless rabble in Georgia, who have long played the part of unfeeling petty tyrants, and that to the disgrace of the proud character of gallant soldiers and good citizens. I had determined that I would never dishonor the Tennessee arms in a servile service by aiding to carry into execution at the point of the bayonet a treaty made by a lean minority against the will and authority of the Cherokee people. * * * I soon discovered that the Indians had not the most distant thought of war with the United States, notwithstanding the common rights of humanity and justice had been denied them.[1]

REPORT OF GENERAL JOHN E. WOOL.

Again, February 18, 1837, General John E. Wool, of the United States Army, who had been ordered to the command of the troops that were being concentrated in the Cherokee country "to look down opposition" to the enforcement of the treaty, wrote Adjutant-General Jones, at Washington, thus:

I called them (the Cherokees) together and made a short speech. It is, however, vain to talk to a people almost universally opposed to the treaty and who maintain that they never made such a treaty. So determined are they in their opposition that not one of all those who were present and voted at the council held but a day or two since, however poor or destitute, would receive either rations or clothing from the United States lest they might compromise themselves in regard to the treaty. These same people, as well as those in the mountains of North Carolina, during the summer past, preferred living upon the roots and sap of trees rather than receive provisions from the United States, and thousands, as I have been informed, had no other food for weeks."

Four months later,[2] General Wool again, in the course of a letter to the Secretary of War concerning the death of Major Curry, who had been a prominent factor in promoting the conclusion of the treaty of 1835, said that—

Had Curry lived he would assuredly have been killed by the Indians. It is a truth that you have not a single agent, high or low, that has the slightest moral control over the Indians. It would be wise if persons appointed to civil stations in the nation could be taken from among those who have had nothing to do with making the late treaty.

REPORT OF JOHN MASON, JR.

In further testimony concerning the situation of affairs in the Cherokee Nation at this period, may be cited the report of John Mason, jr., who was in the summer of 1837[3] sent as the confidential agent of the War Department to make observations and report. In the autumn[4] of that year he reported that—

The chiefs and better informed part of the nation are convinced that they cannot retain the country. But the opposition to the treaty is unanimous and irreconcilable.

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[1] National Intelligencer, May 22, 1838.

[2] June 3, 1837.

[3] July 15, 1837.

[4] September 25, 1837.

They say it cannot bind them because they did not make it; that it was made by a few unauthorized individuals; that the nation is not a party to it. * * * They retain the forms of their government in their proceedings among themselves, though they have had no election since 1830; the chiefs and headmen then in power having been authorized to act until their government shall again be regularly constituted. Under this arrangement John Ross retains the post of principal chief. * * * The influence of this chief is unbounded and unquestioned. The whole nation of eighteen thousand persons is with him, the few, about three hundred, who made the treaty having left the country. It is evident, therefore, that Ross and his party are in fact the Cherokee Nation. * * * Many who were opposed to the treaty have emigrated to secure the rations, or because of fear of an outbreak. * * * The officers say that, with all his power, Ross cannot, if he would, change the course he has heretofore pursued and to which he is held by the fixed determination of his people. He dislikes being seen in conversation with white men, and particularly with agents of the Government. Were he, as matters now stand, to advise the Indians to acknowledge the treaty, he would at once forfeit their confidence and probably his life. Yet though unwavering in his opposition to the treaty, Ross's influence has constantly been exerted to preserve the peace of the country, and Colonel Lindsay says that he (Ross) alone stands at this time between the whites and bloodshed. The opposition to the treaty on the part of the Indians is unanimous and sincere, and it is not a mere political game played by Ross for the maintenance of his ascendancy in the tribe.

HENRY CLAY'S SYMPATHY WITH THE CHEROKEES.

It is interesting in this connection, as indicating the strong and widespread public feeling manifested in the Cherokee question, to note that it became in some sense a test question among leaders of the two great political parties. The Democrats strenuously upheld the conduct of President Jackson on the subject, and the Whigs assailed him with extreme bitterness. The great Whig leader, Henry Clay, in replying[1] to a letter received by him from John Gunter, a Cherokee, took occasion to express his sympathy with the Cherokee people for the wrongs and sufferings experienced by them. He regretted them not only because of their injustice, but because they inflicted a deep wound on the character of the American Republic. He supposed that the principles which had uniformly governed our relations with the Indian nations had been too long and too firmly established to be disturbed. They had been proclaimed in the negotiation with Great Britain by the commissioners who concluded the treaty of peace, of whom he was one, and any violation of them by the United States he felt with sensibility. By those principles the Cherokee Nation had a right to establish its own form of government, to alter and amend it at pleasure, to live under its own laws, to be exempt from the United States laws or the laws of any individual State, and to claim the protection of the United States. He considered that the Chief Magistrate and his subordinates had acted in direct hostility to those principles and had thereby encouraged Georgia to usurp powers of legislation over the Cherokee Nation which she did not of right possess.

[1] September 30, 1836.

POLICY OF THE PRESIDENT CRITICISED—SPEECH OF COL. DAVID CROCKETT.

Among many men of note who denounced in most vigorous terms the policy of the Administration toward the Cherokees were Daniel Webster and Edward Everett, of Massachusetts; Theodore Frelinghuysen, of New Jersey; Peleg Sprague, of Maine; Henry R. Storrs, of New York; Henry A. Wise, of Virginia; and David Crockett, of Tennessee. The latter, in a speech in the House of Representatives, denounced the treatment to which the Indians had been subjected at the hands of the Government as unjust, dishonest, cruel, and short-sighted in the extreme. He alluded to the fact that he represented a district which bordered on the domain of the southern tribes, and that his constituents were perhaps as immediately interested in the removal of the Indians as those of any other member of the House. His voice would perhaps not be seconded by that of a single fellow member living within 500 miles of his home. He had been threatened that if he did not support the policy of forcible removal his public career would be summarily cut off. But while he was perhaps as desirous of pleasing his constituents and of coinciding with the wishes of his colleagues as any man in Congress, he could not permit himself to do so at the expense of his honor and conscience in the support of such a measure. He believed the American people could be relied on to approve their Representatives for daring, in the face of all opposition, to perform their conscientious duty, but if not, the approval of his own conscience was dearer to him than all else.

Governor Lumpkin, immediately upon his appointment as commissioner, had repaired to the Cherokee country, but Governor Carroll, owing to some pending negotiations with the Choctaws and subsequently to ill health, was unable to assume the duties assigned him. He was succeeded[1] by John Kennedy. To this commission a third member was added in the summer of 1837[2] in the person of Colonel Guild, who was found to be ineligible, however, by reason of being a member of the Tennessee legislature. His place was supplied by the appointment[3] of James W. Gwin, of North Carolina.

On the 22d of December James Liddell was also appointed, *vice* Governor Lumpkin resigned.[4]

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[1] October 25, 1836.

[2] Secretary of War to Andrew Jackson, August 21, 1837.

[3] October 16, 1837.

[4] The amounts adjudicated and paid by this commission, as shown by the records of the Indian Office (see Commissioner of Indian Affairs' letter of March 7, 1844), were as follows:

1. For improvements	$1,683,192	77½
2. Spoliations	416,306	82½
3. National debts due to Cherokees	19,058	14
4. National debts due to citizens of the United States	51,642	87
5. Reservations	159,324	87
Total	2,329,524	86

(The figures as given here are correctly copied from the commissioner's letter, but there is an obvious error either in the footing or in the items.)

Superintendent Currey having died, General Nathan Smith was appointed[1] to succeed him as superintendent of emigration.

Census of Cherokee Nation.—It appears from a statement about this time,[2] made by the Commissioner of Indian Affairs, that from a census of the Cherokees, taken in the year 1835, the number residing in the States of Georgia, North Carolina, Alabama, and Tennessee was 16,542, exclusive of slaves and of whites intermarried with Cherokees.[3]

In May, 1837,[4] General Wool was relieved from command at his own request, and his successor, Col. William Lindsay, was instructed to arrest John Ross and turn him over to the civil authorities in case he did anything further calculated to excite a spirit of hostility among the Cherokees on the subject of removal. This threat, however, seemed to have little effect, for we find Mr. Ross presiding over a general council, convened at his instigation, on the 31st of July, to attend which the Government hastily dispatched Mr. John Mason, jr., with instructions to traverse and correct any misstatements of the position of the United States authorities that might be set forth by Ross and his followers. An extract from Mr. Mason's report has already been given.

Cherokee memorial in Congress.—Again, in the spring of 1838 Ross laid before Congress a protest and memorial for the redress of grievances, which, in the Senate, was laid upon the table[5] by a vote of 36 to 10, and a memorial from citizens of New York involving an inquiry into the validity of the treaty of 1835 shared a similar fate in the House of Representatives two days later by a vote of 102 to 75.

Speech of Henry A. Wise.—The discussion of these memorials in Congress took a wide range and excited the warmest interest, not only in that body, but throughout the country. The speeches were characterized by a depth and bitterness of feeling such as had never been exceeded even on the slavery question. Hon. Henry A. Wise, of Virginia, who was then a member of the House of Representatives from that State, was especially earnest in his denunciation of the treaty of 1835 and of the administration that had concluded it. He looked

[1] January 3, 1837.

[2] December 1, 1836.

[3] This census showed a distribution of the Cherokee population, according to State boundaries, as follows:

States.	Cherokees.	Slaves.	Whites intermarried with Cherokees.
In Georgia	8,946	776	68
In North Carolina	3,644	37	22
In Tennessee	2,528	480	79
In Alabama	1,424	299	32
Total	16,542	1,592	201

[4] Secretary of War to Col. William Lindsay, May 8, 1837.

[5] March 26, 1838.

upon it as null and void. In order to make treaties binding the assent of both parties must be obtained, and he would assert without fear of contradiction that there was not one man in that House or out of it who had read the proceedings in the case who would say that there had ever been any assent given to that treaty by the Cherokee Nation. If this were the proper time he could go further and show that Georgia had done her part, too, in this oppression. He could show this by proving the policy of that State in relation to the Indians and the institutions of the General Government. That was the only State in the Union that had ever actually nullified, and she now tells you that if the United States should undertake to naturalize any portion of the Indian tribes within her limits as citizens of the United States she would do so again. He had not disparaged the surrounding people of Georgia, far from it—"but" (said he) "there are proofs around us in this city of the high advancement in civilization which characterizes the Cherokees." He would tell the gentleman from Georgia (Mr. Halsey) that a statesman of his own State, who occupied a high and honorable post in this Government, would not gain greatly by a comparison, either in civilization or morals, with a Cherokee chief whom he could name. He would fearlessly institute such a comparison between John Ross and John Forsyth.[1]

Speech of Daniel Webster.—Mr. Webster, of Massachusetts, also took occasion[2] to remark in the Senate that "there is a strong and growing feeling in the country that great wrong has been done to the Cherokees by the treaty of New Echota."

President Van Buren proffers a compromise.—Public feeling became so deeply stirred on the subject that, in the interests of a compromise, President Van Buren, in May, 1838, formulated a proposition to allow the Cherokees two years further time in which to remove, subject to the approval of Congress and the executives of the States interested.

Georgia hostile to the compromise.—To the communication addressed to Governor Gilmer, of Georgia, on the subject, he responded:

* * * I can give it no sanction whatever. The proposal could not be carried into effect but in violation of the rights of this State. * * * It is necessary that I should know whether the President intends by the instructions to General Scott to require that the Indians shall be maintained in their occupancy by an armed force in opposition to the rights of the owners of the soil. If such be the intention, a direct collision between the authorities of the State and the General Government must ensue. My duty will require that I shall prevent any interference whatever by the troops with the rights of the State and its citizens. I shall not fail to perform it.

This called forth a hurried explanation from the Secretary of War that the instructions to General Scott were not intended to bear the construction placed upon them by the executive of Georgia, but, on the contrary, it was the desire and the determination of the President to

[1] Speech in reply to Mr. Halsey, of Georgia, January 2, 1838.
[2] May 22, 1838.

secure the removal of the Cherokees at the earliest day practicable, and he made no doubt it could be effected the present season.[1]

GENERAL SCOTT ORDERED TO COMMAND TROOPS IN THE CHEROKEE COUNTRY.

The executive machinery under the treaty had in the mean time been placed in operation, and at the beginning of the year 1838, 2,103 Cherokees had been removed, of whom 1,282 had been permitted to remove themselves.[2]

Intelligence having reached the President, however, causing apprehension that the mass of the nation did not intend to remove as required by the treaty General Winfield Scott was ordered[3] to assume command of the troops already in the nation, and to collect an increased force, comprising a regiment of artillery, a regiment of infantry, and six companies of dragoons. He was further authorized, if deemed necessary, to call upon the governors of Tennessee, North Carolina, Georgia, and Alabama for militia and volunteers, not exceeding four thousand in number, and to put the Indians in motion for the West at the earliest moment possible, following the expiration of the two years specified in the treaty.

Proclamation of General Scott.—On reaching the scene of operations General Scott issued[4] a proclamation to the Cherokees in which he announced that —

> The President of the United States has sent me with a powerful army to cause you, in obedience to the treaty of 1835, to join that part of your people who are already established in prosperity on the other side of the Mississippi. Unhappily the two years * * * allowed for that purpose you have suffered to pass away * * * without making any preparation to follow, and now * * * the emigration must be commenced in haste. * * * The full moon of May is already on the wane, and before another shall have passed away every Cherokee, man, woman, and child * * * must be in motion to join their brethren in the far West. * * * This is no sudden determination on the part of the President. * * * I have come to carry out that determination. My troops already occupy many positions, * * * and thousands and thousands are approaching from every quarter to render resistance and escape alike hopeless. * * * Will you then by resistance compel us to resort to arms? * * * Or will you by flight seek to hide yourselves in mountains and forests and thus oblige us to hunt you down? Remember that in pursuit it may be impossible to avoid conflicts. The blood of the white man or the blood of the red man may be spilt, and if spilt, however accidentally, it may be impossible for the discreet and humane among you, or among us, to prevent a general war and carnage.

JOHN ROSS PROPOSES A NEW TREATY.

John Ross, finding no sign of wavering in the determination of the President to promptly execute the treaty, then submitted[5] a project for the negotiation of a new treaty as a substitute for that of 1835, and differing

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[1] National Intelligencer, June 8, 1838.

[2] Secretary of War to James K. Polk, Speaker of the House of Representatives, January 8, 1838.

[3] General Macomb to General Scott, April 6, 1838.

[4] May 10, 1838.

[5] May, 18, 1838.

but little from it in its proposed provisions, except in the idea of securing a somewhat larger consideration, as well as some minor advantages. He was assured in reply that while the United States were willing to extend every liberality of construction to the terms of the treaty of 1835 and to secure the Cherokee title to the western country by patent, they could not entertain the idea of a new treaty.

As soon as it became absolutely apparent, not only that the Cherokees must go but that no unnecessary delay would be tolerated beyond the limit fixed by the treaty, a more submissive spirit began to be manifested among them. During the summer of 1838 several parties of emigrants were dispatched under the direction of officers of the Army. The number thus removed aggregated about 6,000.[1]

CHEROKEES PERMITTED TO REMOVE THEMSELVES.

Later in the season John Ross and others, by virtue of a resolution of the national council, submitted a proposition to General Scott that the remainder of the business of emigration should be confided to the nation, and should take place in the following September and October, after the close of the sickly season, the estimated cost of such removal to be fixed at $65.88 per head. To this proposal assent was given,[2] and the last party of Cherokee emigrants began their march for the West on the 4th of December, 1838.[3] Scattered through the mountains of North Carolina and Tennessee, however, were many who had fled to avoid removal , and who, nearly a year later, were represented to number 1,046,[4] and Mr. James Murray was, in the spring of 1840, appointed[5] a commissioner to ascertain and enroll for removal those entitled to the benefits of the treaty of 1835.

DISSENSIONS AMONG CHEROKEES IN THEIR NEW HOME.

The removal of the Cherokees having at last been accomplished, the next important object of the Government was to insure their internal tranquillity, with a view to the increase and encouragement of those habits of industry, thrift, and respect for lawfully constituted authority which had made so much progress among them in their eastern home.

[1] Annual report of Commissioner of Indian Affairs, November 25, 1838.

[2] Proposal was accepted July 25; emigration to begin September 1 and end before October 20, 1838.

[3] The number, according to the rolls of John Ross, who removed under his direction, was 13,149. According to the rolls of Captain Stevenson, the agent who received them on their arrival West, there were only 11,504, and, according to Captain Page, the disbursing officer, there were 11,721. Mr. Ross received on his settlement with Captain Page subsequent to the removal, $486,939.50¼, which made a total payment to Ross by the Government on account of Cherokee removals of $1,263,338.38. (Letter of Commissioner Indian Affairs, June 15, 1842). See, also, Commissioner of Indian Affairs to Commissioner of Land Office, January 9, 1839.

[4] Commissioner of Indian Affairs to Secretary of War, September 12, 1839.

[5] April 21, 1840.

But this was an undertaking of much difficulty. The instrumentalities used by the Government in securing the conclusion and approval of not only the treaty of 1835 but also those of 1817 and 1819 had caused much division and bitterness in their ranks, which had on many occasions in the past cropped out in acts of injustice and even violence.

Upon the coming together of the body of the nation in their new country west of the Mississippi, they found themselves torn and distracted by party dissensions and bitterness almost beyond hope of reconciliation. The parties were respectively denominated:

1. The "Old Settler" party, composed of those Cherokees who had prior to the treaty of 1835 voluntarily removed west of the Mississippi, and who were living under a regularly established form of government of their own.

2. The "Treaty" or "Ridge" party, being that portion of the nation led by John Ridge, and who encouraged and approved the negotiation of the treaty of 1835.

3. The "Government" or "Ross" party, comprising numerically a large majority of the nation, who followed in the lead of John Ross, for many years the principal chief of the nation, and who had been consistently and bitterly hostile to the treaty of 1835 and to any surrender of their territorial rights east of the Mississippi.

Upon the arrival of the emigrants in their new homes, the Ross party insisted upon the adoption of a new system of government and a code of laws for the whole nation. To this the Old Settler party objected, and were supported by the Ridge party, claiming that the government and laws already adopted and in force among the Old Settlers should continue to be binding until the general election should take place in the following October, when the newly elected legislature could enact such changes as wisdom and good policy should dictate.[1] A general council of the whole nation was, however, called to meet at the new council-house at Takuttokah, having in view a unification of interests and the pacification of all animosities. The council lasted from the 10th to the 22d of June, but resulted in no agreement. Some six thousand Cherokees were present. A second council was called by John Ross for a similar purpose, to meet at the Illinois camp-ground on the 1st of July, 1839.[2]

Murder of Boudinot and the Ridges.—Immediately following the adjournment of the Takuttokah council three of the leaders of the Treaty party, John Ridge, Major Ridge his father, and Elias Boudinot were murdered[3] in the most brutal and atrocious manner. The excitement throughout the nation became intense. Boudinot was murdered within 300 yards of his house, and only 2 miles distant from the residence of John Ross. The friends of the murdered men were persuaded that the

[1] Report of Commissioner of Indian Affairs for 1839.

[2] Letter of John Ross to General Arbuckle, June 24, 1839.

[3] June 22, 1839.

crimes had been committed at the instigation of Ross, as it was well known that the murderers were among his followers. Ross's friends, however, at once rallied to his protection and a volunteer guard of six hundred patrolled the country in the vicinity of his residence.[1]

A number of the chiefs and prominent men of the Old Settler and Ridge parties fled to Fort Gibson for safety. From there on the 28th of June, John Brown, John Looney, John Rogers, and John Smith, signing themselves as the executive council of the Western Cherokees, addressed a proposition to John Ross to send a delegation of the chiefs and principal men of his party with authority to meet an equal number of their own at Fort Gibson, with a view to reach an amicable agreement between the different factions. Ross responded[2] by inviting them to meet at the council convened upon his call on the 1st of July, which was declined. A memorial was thereupon[3] addressed to the authorities of the United States by Brown, Looney, and Rogers as chiefs of the Western Cherokees, demanding protection in the territory and government guaranteed to them by treaty. Against this appeal the Ross convention or council in session at Illinois camp-ground filed a protest.[4] Between the dates of the appeal and the protest a part of the Old Settlers, acting in concert with Ross and his adherents, passed resolutions[5] declaratory of their disapproval of the conduct of Brown and Rogers, and proclaimed their deposition from office as chiefs. Looney escaped deposition by transferring his fealty to the Ross party.

Unification of Eastern and Western Cherokees.—It is proper to remark in this connection that on the 12th of July the Ross council adopted resolutions uniting the Eastern and the Western Cherokees "into one body politic under the style and title of the Cherokee Nation." This paper, without mentioning or referring to the treaty of 1835, speaks of the late emigration as constrained by the force of circumstances. The council also passed[6] a decree, wherein after reciting the murders of the Ridges and Boudinot, and that they in conjunction with others had by their conduct rendered themselves liable to the penalties of outlawry, extended to the survivors a full amnesty for past offenses upon sundry very stringent and humiliating conditions. They also passed[7] a decree condoning the crime of the murderers, securing them from any prosecution or punishment by reason thereof, and declaring them fully restored to the confidence and favor of the community.

Treaty of 1835 *declared void.*—At a council held at Aquohee Camp a decree was passed on the 1st of August, declaring the treaty of 1835

[1] Agent Stokes to Secretary of War, June 24, 1839.
[2] July 5, 1839.
[3] August 9, 1839.
[4] August 27, 1839.
[5] August 23, 1839.
[6] July 7, 1839.
[7] July 10, 1839.

void, and reasserting the Cherokee title to their old country east of the Mississippi. Later in the same month a decree was passed,[1] citing the appearance before them, under penalty of outlawry, of the signers of the treaty of 1835, to answer for their conduct. This act called forth[2] a vigorous protest from General Arbuckle, commanding Fort Gibson, and was supplemented by instructions[3] to him from the Secretary of War to cause the arrest and trial of Ross as accessory to the murder of the Ridges in case he should deem it wise to do so.

Constitution adopted by the Cherokee Nation.—A convention summoned by Ross and composed of his followers, together with such members of the Treaty and Old Settler parties as could be induced to participate, convened and remained in session at Tahlequah from the 6th to the 10th of September, 1839. This body adopted a constitution for the Cherokee Nation, which was subsequently accepted and adopted by the Old Settlers or Western Cherokees in council at Fort Gibson on the 26th of the following June, and an act of union was entered into between the two parties on that date.

Division of Cherokee territory proposed.—A proposition had been previously[4] submitted by the representatives of the Treaty and Old Settler parties, urging as the only method of securing peace the division of the Cherokee domain and annuities. They recommended that General Arbuckle and Captain Armstrong be designated to assign to them and to the Ross party each their proportionate share according to their numbers, but the adoption of this act of union avoided any necessity for the further consideration of the proposal. As a means also of relieving the Cherokees from further internal strife, General Arbuckle had,[5] pursuant to the direction of the Secretary of War, notified them that, in consequence of his public acts, John Ross would not be allowed to hold office in the nation, and that a similar penalty was denounced against William S. Coody for offensive opinions expressed in the presence of the Secretary of War.[6] Little practical effect was however produced upon the standing or influence of these men with their people.

Skeptical of the sincerity of the promises of peace and good feeling held out by the act of unification, John Brown, a noted leader and chief of the Old Settler Cherokees, in conjunction with many of his followers, among whom were a number of wandering Delawares, asked and obtained permission from the Mexican Government to settle within the jurisdiction of that power, and they were only persuaded to remain by

[1] August 21, 1839.

[2] September 4, 1839, *et seq.*

[3] November 9, 1839.

[4] January 22, 1840.

[5] April 21, 1840.

[6] Coody, in an interview with the Secretary of War, persisted in considering the murders of Boudinot and the Ridges as justifiable. General Arbuckle's letter of notification bore date April 21, 1840.

the earnest assurances of the Secretary of War that the United States could and would fully protect their interests.[1]

CHEROKEES CHARGE THE UNITED STATES WITH BAD FAITH.

No sooner had the removal of the Cherokees been effectually accomplished than the latter began to manifest much dissatisfaction at what they characterized a lack of good faith on the part of the Government in carrying out the stipulations of the treaty of 1835. The default charged had reference to the matter of payment of their claims for spoliations, improvements, annuities, etc. Each winter at least one delegation from the nation maintained a residence in Washington and urged upon the Executive and Congress with untiring persistency an adjudication of all disputed matters arising under the treaty.

At length the term of President Van Buren expired and was succeeded by a Whig administration. Then as now, the official acts of an outgoing political party were considered to be the legitimate subject of criticism and investigation by its political enemies. President Harrison lived but a month after assuming the duties of his office, but Vice-President Tyler as his successor considered that the treatment to which the Cherokees had been subjected during Jackson's and Van Buren's administrations would afford a field for investigation fraught with a rich harvest of results in political capital for the Whig party.

President Tyler promises a new treaty.—Accordingly, therefore, in the fall of 1841, just previous to the departure of the Cherokee delegation from Washington to their homes, the President agreed to take proper measures for the settlement of all their difficulties, expressing a determination to open the whole subject of their complaints and to bring their affairs to a satisfactory conclusion through the medium of a new treaty. In conformity with this determination the Commissioner of Indian Affairs[2] instructed the agent for the Cherokees to procure all the information possible to be obtained upon every subject connected with Cherokee affairs having a tendency to throw any light upon the wrongs and injustice they might have sustained to the end that full amends could so far as possible be made therefor. Before much information was collected under the terms of these instructions a change seems to have taken place in the views of the President, and the order for investigation was revoked. The draft of the new treaty was, however, in the mean time prepared under direction of the Secretary of War. It contained provisions regulating the licensing of traders in the Cherokee country, the jurisdiction over crimes committed by citizens of the United States resident in that country, the allotment of their lands in severalty by the Cherokee authorities, and the establishment of post-offices and post-routes within their limits. It further contemplated the appointment of two commissioners, whenever Congress should make provision

[1] Commissioner of Indian Affairs to Maj. William Armstrong, August 26, 1840.

[2] September 22, 1841.

therefor, whose duty it should be to examine into and make a report to that body upon the character, validity, and equity of all claims of whatsoever kind presented by Cherokees against the United States, and also to afford the Cherokees pecuniary aid in the purchase of a printing press and type as well as in the erection of a national council-house. This treaty, however, was never consummated.

President Jackson's method for compelling Cherokee removal.—In connection with this subject of an investigation into the affairs of the Cherokees, a confidential letter is to be found on file in the office of the Commissioner of Indian Affairs, from Hon. P. M. Butler, of South Carolina, who had a few months previous to its date[1] been appointed United States agent for the Cherokees, interesting as throwing light on the negotiation and conclusion of the treaty of 1835. Mr. Butler says it is alleged, and claimed to be susceptible of proof, that Mr. Merriweather, of Georgia, in an interview with President Jackson, a considerable time before the treaty was negotiated, said to the President, "We want the Cherokee lands in Georgia, but the Cherokees will not consent to cede them," to which the President emphatically replied, "You must get clear of them [the Cherokees] by legislation. Take judicial jurisdiction over their country; build fires around them, and do indirectly what you cannot effect directly."

PER CAPITA PAYMENTS UNDER THE TREATY.

In the same letter Mr. Butler, in alluding to the existing difficulties in the Cherokee Nation, observes that prior to the preceding October the Ross party had been largely in the ascendency in the nation, but that at their last preceding election the question hinged upon whether the "per capita" money due them under the treaty of 1835 should be immediately paid over to the people. The result was in favor of the Ridge party, who assumed the affirmative of the question, the opposition of Ross and his party being predicated on the theory that an acceptance of this money would be an acknowledgment of the validity of the treaty of 1835. This, it was feared, would have an unfavorable effect on their efforts to secure the conclusion of a new treaty on more satisfactory terms. On the settlement of this per capita tax, Mr. Butler remarks, will depend the peace and safety of the Cherokee Nation, adding that should the rumors afloat prove true, to the effect that the per-capita money was nearly exhausted, neither the national funds in the hands of the treasurer nor the life of Mr. Ross would be safe for an hour from the infuriated members of the tribe.

POLITICAL MURDERS IN CHEROKEE NATION.

In the spring of 1842 an event occurred which again threw the whole nation into a state of the wildest excitement. The friends of the mur-

[1] March 4, 1842.

dered Ridges and Boudinot had never forgiven the act, nor had time served to soften the measure of their resentment against the perpetrators and their supposed abettors. Stand Watie had long been a leader among the Ridge party and had been marked for assassination at the time of the murders just alluded to. He was a brother of John Ridge, one of the murdered men, and he now, in virtue of his mission as an avenger, killed James Foreman, a member of the Ross party and one of the culprits in the murder of the Ridges. Although Stand Watie excused his conduct on the score of having come to a knowledge of certain threats against his life made by Foreman, no event could at that time have been more demoralizing and destructive of the earnestly desired era of peace and good feeling among the Cherokee people. From that time forward all hope of a sincere unification of the several tribal factions was at an end.

ADJUDICATION COMMISSIONERS APPOINTED.

In the autumn of 1842[1] the President appointed John H. Eaton and James Iredell as commissioners to adjudicate and settle claims under the treaty of 1835. Mr. Iredell declined, and Edward B. Hubley was appointed[2] to fill his place. This tribunal was created to continue the uncompleted work of the board appointed in 1836 under the provisions of the same article, the labors of which had terminated in March, 1839, having been in session more than two years.

TREATY CONCLUDED AUGUST 6, 1846; PROCLAIMED AUGUST 17, 1846.[3]

Held at Washington, D. C., between Edmund Burke, William Armstrong, and Albion K. Parris, commissioners on behalf of the United States, and delegates representing each of the three factions of the Cherokee Nation, known, respectively, as the "Government party," the "Treaty party," and the "Old Settler party."

MATERIAL PROVISIONS.

The preamble recites the difficulties that have long existed between the different factions of the nation, and because of the desire to heal those differences and to adjust certain claims against the United States growing out of the treaty of 1835 this treaty is concluded, and provides:

1. The lands now occupied by the Cherokee Nation shall be secured to the whole Cherokee people for their common use and benefit. The United States will issue a patent therefor to include the 800,000-acre tract and the western outlet. If the Cherokees become extinct or abandon the land it shall revert to the United States.

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[1] September 9, 1842.

[2] November 8, 1842.

[3] United States Statute at Large, Vol. IX, p. 871.

2. All difficulties and differences heretofore existing between the several parties of the Cherokee Nation are declared to be settled and adjusted. A general amnesty for all offenses is declared and fugitives may return without fear of prosecution. Laws shall be passed for the equal protection of all. All armed police or military organizations shall be disbanded and the laws executed by civil process. Trial by jury is guaranteed.

3. The United States agree to reimburse to the Cherokee Nation all sums unjustly deducted for claims, reservations, expenses, etc., from the consideration of $5,000,000 agreed to be paid under the treaty of 1835 to the Cherokees for their lands, and to distribute the same as provided in the ninth article of that treaty.

4. The board of commissioners recently appointed by the President have declared that under the provisions of the treaty of 1828 the "Old Settlers," or Western Cherokees, had no exclusive title to the lands ceded by that treaty as against the Eastern Cherokees, and that by the equitable operation of that treaty the former acquired a common interest in the Cherokee lands east of the Mississippi. This interest of the "Old Settlers" was unprovided for by the treaty of 1835. It is therefore agreed that a sum equal to one-third of the residuum of per capita fund left after a proper adjustment of the account for distribution under the treaty of 1835 shall be paid to said "Old Settlers," and that in so doing, in estimating the cost of removal and subsistence, it shall be based upon the rate fixed therefor in the eighth article of the treaty of 1835. In consideration of the foregoing the "Old Settlers" release to the United States all interest in the Cherokee lands east of the Mississippi and all claim to exclusive ownership in the Cherokee lands west of the Mississippi.

5. The per capita allowance to the "Western Cherokees," or "Old Settlers," upon the principle above stated, shall be held in trust by the United States and paid out to each individual or head of family or his representative entitled thereto in person. The President of the United States shall appoint five persons as a committee from the "Old Settlers" to determine who are entitled to the per capita allowance.

6. The United States agree to pay the "Treaty party" the sum of $115,000 for losses and expenses incurred in connection with the treaty of 1835, of which $5,000 shall be paid to the legal representatives or heirs of Major Ridge, $5,000 to those of John Ridge, and $5,000 to those of Elias Boudinot. The remainder shall be distributed among those who shall be certified by a committee of the "Treaty party" as entitled, provided that the present delegation of the party may deduct $25,000, to be by them applied to the payment of claims and expenses. And if the said sum of $100,000 should be insufficient to pay all claims for losses and damages, then the claimants to be paid pro rata in full satisfaction of said claims.

7. All individuals of the "Western Cherokees" who have been dis-

possessed of salines, the same being their private property, shall be compensated therefor by the Cherokee Nation, upon an award to be made by the United States agent and a Cherokee commissioner, or the salines shall be returned to the respective owners.

8. The United States agree to pay the Cherokee Nation $2,000 for a printing press, etc., destroyed; $5,000 to be equally divided among all whose arms were taken from them previous to their removal West by order of an officer of the United States, and $20,000 in lieu of all claims of the Cherokee Nation, as a nation, prior to the treaty of 1835, except lands reserved for school funds.

9. The United States agree to make a fair and just settlement of all moneys due to the Cherokees and subject to the per capita division under the treaty of December 29, 1835. This settlement to embrace all sums properly expended or charged to the Cherokees under the provisions of said treaty, and which sums shall be deducted from the sum of $6,647,067. The balance found due to be distributed per capita among those entitled to receive the same under the treaty of 1835 and supplement of 1836, being those residing east of the Mississippi River at that date.

10. Nothing herein shall abridge or take away any rights or claims which the Cherokees *now* residing in States east of the Mississippi River had or may have under the treaty of 1835 and supplement of 1836.

11. It is agreed that the Senate of the United States shall determine whether the amount expended for one year's subsistence of the Cherokees, after their removal under the treaty of 1835 and supplement of 1836, is properly chargeable to the United States or to the Cherokee funds, and, if to the latter, whether such subsistence shall be charged at a sum greater than $33⅓ per head; also, whether the Cherokees shall be allowed interest upon the sums found to be due them; and, if so, from what date and at what rate.

12. (The twelfth article was struck out by the Senate.)

13. This treaty to be obligatory after ratification by the Senate and President of the United States.

HISTORICAL DATA.

CHEROKEES DESIRE A NEW TREATY.

In the spring of 1844 a delegation headed by John Ross arrived in Washington. In a communication[1] to the Secretary of War they inclosed a copy of a letter addressed to them by President Tyler on the 20th of September, 1841, previously alluded to, promising them a new treaty to settle all disputes arising under the treaty of 1835. They advised the Secretary of their readiness to enter upon the negotiation of the promised treaty, and submitted[2] a statement of the salient points of

[1] May 6, 1844.
[2] May 30, 1844.

difference to be adjudicated, involving (1) a fair and just indemnity to be paid to the Cherokee Nation for the country east of the Mississippi from which they were forced to remove; (2) indemnity for all improvements, ferries, turnpike roads, bridges, etc., belonging to the Cherokees; (3) indemnity for spoliations committed upon all other Cherokee property by troops and citizens of the United States prior and subsequent to the treaty of 1835; (4) that a title in absolute fee-simple to the country west of the Mississippi be conveyed to the Cherokee Nation by the United States; (5) that the political relations between the Cherokee Nation and the United States be specifically defined; (6) that stocks now invested by the President for the Cherokee Nation be guaranteed to yield a specified annual income, and (7) that provision be made for those Cherokees residing east of the Mississippi who should evince a desire to emigrate to the Cherokee country west of that river.

FEUDS BETWEEN THE ROSS, TREATY, AND OLD SETTLER PARTIES.

At this period delegations representing the anti-Ross parties were also in Washington, and their animosities, coupled with the frequent and unsavory reports of the events happening in the Cherokee country, determined the President to conclude no new treaty until the true cause was ascertained and the responsibility fixed for all this turbulence and crime.[1] The Old Settler and the Treaty parties alleged that grievous oppressions were practiced upon them by the Ross party, insomuch that they were unable to enjoy their liberty, property, or lives in safety, or to live in peace in the same community. The Old Settler delegation alleged that the act of union, by virtue of which their government was superseded and they were subjected to the constitution and laws of the Ross party, was never authorized or sanctioned by the legal representatives of their people. *Per contra*, the Ross delegation alleged that the Old Settler and the Treaty parties enjoyed the same degree of security and the same fullness of rights that any other portion of the nation enjoyed, and that the alleged dissatisfaction was confined to a few restless and ambitious spirits whose motto was "rule or ruin."

Commissioners appointed to inquire into Cherokee feuds.—In consequence of his determination, as above stated, the President appointed General R. Jones, Col. R. B. Mason, and P. M. Butler commissioners, with instructions[2] to proceed to the Cherokee country and ascertain if any considerable portion of the Cherokee people were arrayed in hostile feeling toward those who ruled the nation; whether a corresponding disposition and feeling prevailed among the majority who administered the government toward the minority; the lengths of oppression, resistance, and violence to which the excitement of each against the other had

[1] Letter of Secretary of War to Commissioners Jones and Butler, October 18, 1844.
[2] October 18, 1844.

severally led the opposing parties, and whether the discontent was of such extent and intensity among the great mass of the Old Settler and Treaty parties as to forbid their living peaceably together under the same government with the Ross party. This commission convened at Fort Gibson on the 16th of November,[1] but their labors resulted in nothing of practical benefit to the sorely distressed Cherokees.

DEATH OF SEQUOYAH OR GEORGE GUESS.

Sequoyah or George Guess, the inventor of the Cherokee alphabet, removed to the country west of the Mississippi long anterior to the treaty of 1835,[2] and was for several years one of the national council of the Western Cherokees.

In the year 1843 he left his home for Mexico in quest of several scattered bands of Cherokees who had wandered off to that distant region, and whom it was his intention to collect together with a view to inducing them to return and become again united with their friends and kindred.

He did not meet with the success anticipated. Being quite aged, and becoming worn out and destitute, he was unable without assistance to make the return trip to his home. Agent Butler, learning of his condition, reported the fact to the Indian Department[3] and asked that sufficient funds be placed at his disposal for the purpose of sending messengers to bring the old man back. Two hundred dollars were authorized[4] to be expended for the purpose, and Oo-no-leh, a Cherokee, was sent on the errand of mercy, but upon reaching Red River he encountered a party of Cherokees from Mexico who advised him that Guess had died in the preceding July, and that his remains were interred at San Fernando.[5]

OLD SETTLER AND TREATY PARTIES PROPOSE TO REMOVE TO MEXICO.

In the fall of 1845 the bulk of the Old Settler and Treaty parties, having become satisfied that it would be impossible for them to maintain a peaceful and happy residence in the country of their adoption while the influence of John Ross continued potent in their national

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[1] Letter of General Jones to Commissioner of Indian Affairs, November 17, 1844.

[2] He was one of the chiefs of the Arkansas delegation who signed the treaty of May 6, 1828. (See United States Statutes at Large, Vol. VII, p. 314.)

[3] Letters of September 12 and November 23, 1844, from Agent Butler to Commissioner of Indian Affairs.

[4] Letter of Commissioner Indian Affairs to Agent Butler, January 17, 1845.

[5] Letter of Oo-no-leh to Agent Butler, May 15, 1845. Guess left a widow, a son, and two daughters. Hon. T. L. McKenny, in a letter to the Secretary of War, December 13, 1825, says: "His name is Guess, and he is a native and unlettered Cherokee. Like Cadmus, he has given to the people the alphabet of their language. It is composed of eighty-six characters, by which in a few days the older Indians who had despaired of deriving an education by means of the schools * * * may read and correspond." Agent Butler, in his annual report for 1845, says: "The Cherokees who cannot speak English acquire their own alphabet in twenty-four hours."

government, resolved to seek for themselves a new home on the borders of Mexico. A council was therefore held at which a delegation (consisting of forty-three members of the Treaty and eleven of the Old Settler party) was chosen to explore the country to the south and west for a future abode. They rendezvoused[1] at the forks of the Canadian and Arkansas Rivers, and, after electing a captain, proceeded via Fort Washita, crossing the Red River at Coffee's trading house, and following the ridge dividing the waters of Trinity and Brazos to the latter river, which they crossed at Basky Creek. Here they found a small settlement of sixty-three Cherokees, who had moved in the preceding June from a place called by them Mount Clover, in Mexico.

Among their number was found Tessee Guess, the son of George Guess. Leaving Brazos[2] the explorers traveled westward to the Colorado, reaching it at the mouth of Stone Fort Creek,[3] beyond which they proceeded in a southwesterly direction to the San Sabba Creek, at a point about 40 or 50 miles above its mouth. They returned on a line some 60 miles south of their outgoing trip,[4] and with their friends held a council at Dragoon Barracks in the Cherokee Nation.[5] At this meeting it was decided to ask the United States to provide them a home in the Texas country upon their relinquishment of all interest in the Cherokee Nation, or in case of a refusal of this request that the territory of the nation be divided into two parts, and a moiety thereof be assigned to them with the privilege of adopting their own form of government and living under it.

The governor of Arkansas[6] and General Arbuckle[7] both concurred in the conclusions reached by this council, and urged upon the authorities at Washington the necessary legislation to carry the same into effect.

MORE POLITICAL MURDERS.

Shortly after the delegation selected by the foregoing council had proceeded to Washington in the interest of the adoption of the scheme proposed, another epidemic of murder and outrage broke out in the nation. On the 23d of March, Agent McKissick reported to the Indian Department the murder of Stand, a prominent member of the Ross party, by Wheeler Faught, at the instigation of the "Starr boys," who were somewhat noted leaders of the Treaty party. This murder was committed in revenge for the killing of James Starr and others during the outbreak of the preceding November. It was followed[8] by the

[1] September 1, 1845.

[2] October 22, 1845.

[3] November 12, 1845. They explored up the valley of Stone Fort Creek a distance of 30 miles.

[4] Report of the exploring party to their council.

[5] January 19, 1846.

[6] Letter to the President, February 10, 1846.

[7] Letter to the Secretary of War, February 12, 1846.

[8] April 2, 1846.

murder of Cornsilk, another of Ross's adherents, by these same "Starr boys," and six days later the spirit of retaliation led to the killing of Turner, a member of the Treaty party. On the 25th of the same month[1] Ellis, Dick, and Billy Starr were wounded by a band of Ross's Cherokee police, who chased them across the line of Arkansas in the attempt to arrest them for trial before the Cherokee tribunals for the murder of Too-noo-wee two days before. General Arbuckle took them under his protection, and refused to deliver them up for trial to the Cherokee authorities until the latter should take proper steps to punish the murderers of James Starr. Subsequently Baldridge and Sides, of the Ross party, were murdered by Jim and Tom Starr, in revenge for which the light horse police company of the Ross government murdered Billy Ryder, of the Treaty party.[2]

In this manner the excitement was maintained and the outrages multiplied until, on the 28th of August, Agent McKissick reported that since the 1st of November preceding there had been an aggregate of thirty-three murders committed in the Cherokee Nation, nearly all of which were of a political character. The feeling of alarm became so widespread that General Arbuckle was constrained to increase the military force on the frontier by two companies.

NEGOTIATION OF TREATY OF 1846.

While these unhappy events were in progress Major Armstrong, superintendent of Indian affairs, who was in Washington, submitted to the Commissioner of Indian Affairs, at the suggestion of the several Cherokee delegations, a proposition for the appointment of a commissioner clothed with full powers to adjust all difficulties between the various factions of their people.

The Commissioner replied that as the matter was before Congress and would likely receive the speedy attention of that body, no action would be justified by the executive authorities without first being assured that the proposition was founded in good faith and would result in some certain and satisfactory arrangement. He must also have assurance that there existed a firm determination on the part of the Department and of Congress to bring these troubles to a close before the adjournment of the latter body. The Commissioner, however, drew up a memorandum agreement for the signature of the several delegations of Cherokees representing the different factions of the tribe. It provided for the appointment of three commissioners, whose duty it should be to examine into all matters in controversy and adjust the same, and that all parties should abide absolutely by their decision, agreeing to execute and sign such treaty or other instrument of agreement as should be considered necessary to insure the execution of the award of the com-

[1] Letter of Agent McKissick to Commissioner Indian Affairs, May 12, 1846, and General Arbuckle to Adjutant-General, April 28, 1846.

[2] Report of Agent McKissick July 4, 1846.

missioners.[1] This agreement was duly signed by the members of the several delegations present in Washington, and in pursuance of its provisions President Polk appointed[2] Edmund Burke, William Armstrong, and Albion K. Parris commissioners with the powers and for the purposes above indicated. These commissioners at once entered into communication and negotiation with the three delegations representing the different factions of the Cherokee Nation, which were then in Washington, and the result was the conclusion of the treaty of August 6, 1846,[3] in thirteen articles, making detailed provision for the adjustment of all questions of dispute between the Cherokees themselves and also for the settlement of all claims by the Cherokees against the United States.[4] This treaty, with some slight amendments, was ratified and proclaimed by the President on the 17th of the same month; an abstract of its provisions has already been presented. It was not until this treaty that the Ross party ever consented in any manner to recognize or be bound by the treaty of 1835.[5]

Objects of the treaty.—The main principle involved in the negotiation of the treaty of 1846 had been the disposition on the part of the United States to reimburse to the Cherokee fund sundry sums which, although not justly chargeable upon it, had been improperly paid out of that fund.[6] In the treaty of 1835 the United States had agreed to pay to the Cherokees $5,000,000 for their lands and $600,000 for spoliations, claims, expenses of removal, etc.[7] By the act of June 12, 1838,[8] Congress appropriated the further sum of $1,047,067 for expenses of removal. As all these sums were for objects expressed in the treaty of 1835, the commissioners who negotiated the treaty of 1846 regarded them as one aggregate sum given by the United States for the lands of the Cherokees, subject to the charges, expenditures, and investments provided for in the treaty. This aggregate sum was appropriated and placed in the Treasury of the United States, to be disposed of according to the stipulations of the treaty. The United States thereby became the trustee of this fund for the benefit of the Cherokee people, and were bound to manage it in accordance with the well known principles of law and equity which regulate the relation of trustee and *cestui que trust.*

Adjudication of the treaty of 1835.—In order, therefore, to carry out the principle thus established by the treaty of 1846, Congress, by joint

[1] Commissioner Indian Affairs to Maj. William Armstrong, June 24, 1846.

[2] July 6, 1846.

[3] United States Statutes at Large, Vol. IX, p. 871.

[4] The subject of the North Carolina Cherokee interests was also referred to this commission July 13, 1846.

[5] Report of Commissioner Indian Affairs to Secretary Interior, January 20, 1855.

[6] Second Comptroller of the Treasury to Commissioner of Indian Affairs, February 6, 1849.

[7] United States Statutes at Large, Vol. VII, p. 478.

[8] United States Statutes at Large, Vol. V, p. 241.

resolution of August 7, 1848,[1] required the proper accounting officers of the Treasury to make a just and fair statement of account with the Cherokee Nation upon that basis. The joint report of the Second Comptroller and Second Auditor was submitted to Congress[2] after a full and thorough examination of all the accounts and vouchers of the several officers and agents of the United States who had disbursed funds appropriated to carry into effect the treaty of 1835, and also of all claims that had been admitted at the Treasury.

The result of this examination showed that there had been paid—

For improvements	$1,540,572 27
For ferries	159,572 12
For spoliations	264,894 09
For removal and subsistence and commutation therefor, including $2,765.84 expended for goods for the poorer Cherokees under the fifteenth article of treaty of 1835, and including also necessary incidental expenses of enrolling agents, conductors, commissioners, medical attendance, and supplies, etc	2,952,196 26
For debts and claims upon the Cherokee Nation	101,348 31
For the additional quantity of land ceded to the nation	500,000 00
For amount invested as the general fund of the nation	500,880 00
The aggregate of which sums is	6,019,463 05
which, being deducted from the sum of	6,647,067 00
agreeably to the directions of the ninth article of the treaty of 1846, left a balance due the Cherokee Nation of	627,603 95

They also reported that there was a further sum of $96,999.31, charged to the general treaty fund, which had been paid to the various agents of the Government connected with the removal of the Indians and which the Cherokees contended was an improper charge upon their fund. The facts as to this item were submitted by the Auditor and Comptroller without recommendation for the decision of the question by Congress, and Congress, admitting the justice of the Cherokee claim, included this sum in the subsequent appropriation of February 27, 1851.[3]

It was also resolved[4] by the United States Senate (as umpire under the treaty of 1846) that the Cherokee Nation was entitled to the sum of $189,422.76 for subsistence, being the difference between the amount allowed by act of June 12, 1838, and the amount actually paid and expended by the United States, and which excess was improperly charged to the treaty fund in the report of the accounting officers of the Treasury just recited. It was further resolved that interest at 5 per cent. should be allowed upon the sums found due the Eastern and Western Cherokees respectively from June 12, 1838. The amount of this award was made

[1] United States Statutes at Large, Vol. IX, p. 339.
[2] December 3, 1849.
[3] United States Statutes at Large, Vol. IX, p. 572.
[4] September 5, 1850.

available to the Cherokees by Congressional appropriation of September 30, 1850.[1]

Settlement of claims of "Old Settler" party.—By the fourth and fifth articles of the treaty of 1846,[2] provision is made and a basis fixed for the settlement with that part of the Cherokee Nation known as "Old Settlers" or "Western Cherokees," or, in other words, those who had emigrated under the treaties of 1817,[3] 1819,[4] and 1828,[5] and who were, at the date of the treaty of 1835,[6] an organized and separate nation of Indians, whom the United States had recognized as such by the treaties of 1828 and 1833[7] made with them. In making the treaty of 1835 with the Cherokees east, which provided for their final and complete transfer to the country west, then occupied by the "Western Cherokees," and guaranteed in perpetuity by two treaties, upon considerations alone connected with them, the rights of the latter seem to have been forgotten. The consequences of the influx of the Eastern Cherokees were such that upon their arrival the "Old Settlers" were thrown into a hopeless minority; their government was subverted, and a new one, imported with the emigrants coerced under the treaty of 1835, substituted in its place.

To allay the discontent thus caused in the minds of the "Old Settlers," and to provide compensation to them for the undivided interest which the United States regarded them as owning in the country east of the Mississippi, under the equitable operation of the treaty of 1828, was one of the avowed objects of the treaty of 1846. To ascertain their interest it was assumed that they constituted one-third of the entire nation, and should therefore be entitled to an amount equal to one-third of the treaty fund of 1835, after all just charges were deducted. This residuum of the treaty fund, contemplated by the fourth article of the treaty of 1846, amounted, as first calculated, to $1,571,346.55, which would make the proportionate share of the "Old Settlers" amount to the sum of $523,782.18. The act of September 30, 1850,[8] made provision for the payment to the "Old Settlers," in full of all demands under the provisions and according to the principles established in the fourth article of the treaty of 1846, of the sum of $532,896.96 with interest at 5 per cent. per annum. This was coupled with the proviso that the Indians who should receive the money should first respectively sign a receipt or release acknowledging the same to be in full of all demands under the terms of such article.

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[1] United States Statutes at Large, Vol. IX, p. 556.
[2] Ibid., p. 871.
[3] United States Statutes at Large, Vol. VII, p. 156.
[4] Ibid., p. 195.
[5] Ibid., p. 311.
[6] Ibid., p. 478.
[7] Ibid., p. 414.
[8] United States Statutes at Large, Vol. IX, p. 556.

A year later,[1] when the "Old Settlers" were assembled for the purpose of receiving this per capita money, although their necessities were such as to compel compliance with the conditions of payment, they entered a written protest against the sum paid being considered in full of all their demands, and appealed to the United States for justice, indicating at the same time in detail wherein they were entitled to receive large additional sums.

For many years this additional claim of the "Old Settlers" practically lay dormant. But toward the close[2] of the year 1875 they held a convention or council at Tahlequah, the capital of the Cherokee Nation, and resolved to prosecute their claim to a "speedy, just, and final settlement." To that end three of their people were appointed commissioners with full power to prosecute the claim, employ counsel, and to do all other necessary and proper things in the premises. The council set apart and appropriated 35 per centum of whatever should be collected to defray all the necessary expenses attendant upon such prosecution and collection. Several subsequent councils have been held about the subject,[3] and the matter continued to be pressed upon the attention of Congress until, by the terms of an act approved August 7, 1882,[4] that body directed the Secretary of the Interior to investigate this and other matters relating to the Cherokees and to report thereon to Congress. Pursuant to the purpose of this enactment, Mr. C. C. Clements was appointed a special agent of the Interior Department with instructions to make the required investigation. He submitted three reports on the subject, the latter two being supplemental to and corrective of the first. From this last report[5] it appears that he finds the sum of $421,653.68 to be due to the "Old Settler" Cherokees, together with interest at 5 per cent. per annum from September 22, 1851. In brief his findings are—

1. That they received credit, under the settlement made under the treaty of 1846, for one-third of the fund, and were chargeable with one-third of the items properly taxable thereto.

2. Independent of article four of the treaty of 1846, the "Old Settlers" were not chargeable with removal out of the $5,000,000 fund.

3. Independent of that article, they should not be charged out of the $5,000,000 fund with the removal of the Eastern Cherokees, for three reasons: (*a*) The "Old Settlers" removed themselves at their own expense; (*b*) the Eastern Cherokees were not required to reimburse the "Old Settlers" under the treaty of 1835; and (*c*) the Government was required to remove the Eastern Cherokees.

4. They were not properly chargeable with the removal of the Ross

[1] September 22, 1851.

[2] November 22, 1875.

[3] April 28, 1877, November 20, 1880, November 17, 1881, and October 13, 1882.

[4] United States Statutes at Large, Vol. XXII, p. 328.

[5] January 31, 1883.

party of 13,148, because (*a*) the United States were to remove them, and (*b*) an appropriation of $1,047,067 was made for that purpose, for which the "Old Settlers" received no credit in the settlement under the treaty of 1846.

5. Having received credit for their proportion of the $600,000, under article three of the treaty of 1836, they were chargeable with their proportion of that fund used for removal, etc., *i. e.*, 2,495 Indians at $53.33 per head, amounting to $133,058.35.

6. The Eastern Cherokees were properly chargeable with the removal of the Ross party, and therefore they received credit for the $1,047,067 appropriated by the act of June 12, 1838.

7. In the settlement, the $5,600,000 fund was charged with the removal and subsistence of 18,026 Indians at $53.33⅓ per head, amounting to $961,386.66.[1]

This report, with accompanying letters of the Commissioner of Indian Affairs and the Secretary of the Interior, was transmitted to Congress by the President, with a special message, on the 17th of December, 1883.

Other questions under the treaty of 1835.—There were two other questions about which the parties could not agree, and upon which, by the eleventh article of the treaty of 1846, the Senate of the United States was designated as the umpire. The first of these was whether the amount expended for the one year's subsistence of the Eastern Cherokees, after their arrival in the West, should be borne by the United States or by the Cherokee funds, and, if by the latter, then whether subsistence should be charged at a greater rate than $33⅓ per head.

The Senate committee to whom the subject was referred for report to that body found much difficulty, as shown by their report, in reaching a just conclusion. They observed that the faulty manner in which the treaty of 1835 was drawn, its ambiguity of terms, and the variety of constructions placed upon it, had led to a great embarrassment in arriving at the real intention of the parties, but that upon the whole the opinion seemed to be justified that the charge should be borne by the United States. By a strict construction of the treaty of 1835, the expense of a year's subsistence of the Indians was no doubt a proper charge upon the treaty fund and was so understood by the Government at the time. In the original scheme of the treaty furnished the commissioners empowered to treat with the Indians this item was enumerated among the expenditures, etc., to be provided for in its several articles, and which made up the aggregate sum of $5,000,000 to be paid for the Cherokee country. The Secretary of War, in a letter addressed to John Ross and others in 1836, had said that the United States, having allowed the full consideration for their country, nothing further would be conceded for expenses of removal and subsistence. The whole history of the negotiation of the treaty shows that the $5,000,000 was the maximum sum which the United States were willing to pay, and that

[1] See Senate Executive Document No. 14, Forty-Eighth Congress, 1st session.

this was not so much a consideration for the lands and possessions of the Indians as an indemnity to cover the necessary sacrifices and losses in the surrender of one country and their removal to another.

On the other hand, among the circumstances establishing the propriety of a contrary construction may be mentioned the language of the eighth article of the treaty, that "the United States also agree and stipulate to remove the Cherokees to their new homes and to subsist them one year after their arrival there." This language imports pecuniary responsibility rather than a simple disbursement of a trust fund. In the "talk" also which was sent[1] by President Jackson to the Indians to explain the advantages of the proposed treaty, he mentioned that the stipulations offered "provide for the removal at the expense of the United States of your whole people, and for their subsistence a year after their arrival in their new country."

It was also the common practice of the United States in removing the Indian tribes from one locality to another to defray the expense of such removal, and this was done in the cases of their neighbors, the Chickasaws, Choctaws, Creeks, and Seminoles. It is a matter of but little surprise, therefore, that a conflicting interpretation of this treaty through a series of years should have produced grave embarrassments.

Independent, however, of the literal provisions of the treaty of 1835, there existed other grounds upon which to base a judgment favorable to the claims of the Cherokees. The treaty with the supplementary article was finally ratified on the 23d of May, 1836, and by its provisions the Cherokees were required to remove within two years. It had been concluded (in the face of a protest from a large majority) with a small minority of the nation. Within the two years those who had favored the treaty had mostly emigrated to the West under its provisions.[2] The large majority of the nation, adopting the counsels of John Ross had obstinately withstood all the efforts of the Government to induce them to adopt the treaty or emigrate. They had repudiated its obligation and denounced it as a fraud upon the nation. In the mean time the United States had appointed its agents under the treaty and collected a large military force to compel its execution. The State of Georgia had adopted a system of hostile legislation intended to drive them from the country. She had surveyed their territory and disposed of their homes and firesides by lottery. She had dispossessed them of a portion of their lands, subjected them to her laws, and at the same time disqualified them from the enjoyment of any political or civil rights. In this posture of affairs, the Cherokees who had never abandoned the vain hope of remaining in the country of their birth or of obtaining better terms from the United States made new proposals to the United States through John Ross and others for the sale of their country and emigration to the West. Still pursuing the idea that

[1] March 16, 1835.

[2] Letter of John Mason, jr. to Secretary of War, September 25, 1837.

they were aliens to the treaty of 1835 and unfettered by its provisions, they proposed to release all claim to their country and emigrate for a named sum of money in connection with other conditions, among which was the stipulation that they should be allowed to take charge of their own emigration and that the United States should pay the expenses thereof. To avoid the necessity of enforcing the treaty at the point of the bayonet and to obtain relief from counter obligations to Georgia by the compact of 1802 and to the Cherokees by the treaties of 1817 and 1819, the proposal was readily acceded to by the United States authorities.

On the 18th of May, 1838, the Secretary of War addressed a reply to the proposals of the Cherokee delegation, in which he said:

> If it be desired by the Cherokee Nation that their own agents should have charge of their emigration, their wishes will be complied with and instructions be given to the commanding general in the Cherokee country to enter into arrangements with them to that effect. With regard to the expense of this operation, which you ask may be defrayed by the United States, in the opinion of the undersigned the request ought to be granted, and an application for such further sum as may be required for this purpose shall be made to Congress.

A recommendation was made to Congress in compliance with this promise. Based upon an estimate of the probable cost thereof, Congress by act of June 12, 1838,[1] appropriated the sum of $1,047,067 in full for all objects specified in the third article of the treaty and the further object of aiding in the subsistence of the Indians for one year after their removal, with the proviso that no part thereof should be deducted from the $5,000,000 purchase money of their lands.

Here was a clear legislative affirmation of the terms offered by the Indians and acceded to by the Secretary of War. It was a new contract with the Ross party, outside of the treaty, or rather a new consideration offered to abide by its terms, by which the Secretary of War agreed that the expenses of removal and subsistence, as provided for by the treaty of 1835, should be borne by the United States, and Congress affirmed his act by providing that no part of the sum appropriated should be charged to the treaty fund. The appropriation thus made proved wholly inadequate for the purposes of removal and subsistence, the expense of which aggregated $2,952,196.26,[2] of which the sum of $972,844.78 was expended for subsistence. Of this last amount, however, $172,316.47 was furnished to the Indians when in great destitution upon their own urgent application, after the expiration of the "one year," upon the understanding that it was to be deducted from the moneys due them under the treaty. This left the net sum of $800,528.31 paid for subsistence and charged to the aggregate fund. Of this sum the United States provided by the act of June 12, 1838, for $611,105.55, leaving unprovided for, the sum of $189,422.76. This,

[1] United States Statutes at Large, Vol. V, p. 241.

[2] See report of Second Auditor and Second Comptroller to Congress, December 3, 1849.

added to the balance of $724,603.37 found due in pursuance of the report of the accounting officers of the Treasury,[1] amounted in the aggregate to $914,626.13.

The item of $189,422.76 was appropriated, as previously stated, by the act of September 30, 1850, and that of $724,603.37 by the act of February 27, 1851. Interest was allowed on each sum at the rate of 5 per cent. per annum from the date of the act of June 12, 1838, with the understanding that it should be in full satisfaction and a final settlement of all claims and demands whatsoever of the Cherokee Nation against the United States under any treaty theretofore made with them. Instructions were issued[2] in the fall of 1851 to John Drennan, superintendent of Indian affairs, to proceed without delay to make the payment. For this purpose a remittance was made to him at New Orleans of the sums of $1,032,182.33 and $276,179.84. The first of these sums, he was advised by his instructions, was intended for the per capita payment, principal and interest, to the Eastern Cherokees, or Ross party, in pursuance of the act of February 27, 1851. The latter was for a similar payment to the same parties in compliance with the terms of the act of September 30, 1850, previously mentioned. These sums were to be distributed, according to the census roll, among 14,098 Cherokees within his superintendency, and were exclusive of the pro rata share to which those Cherokees east of the Mississippi living within the States of North Carolina, Georgia, Tennessee, and Alabama were entitled. For the payment of the latter a clerk was detailed from duty in the Office of Indian Affairs to act in the capacity of a special disbursing agent.

The payments made by Superintendent Drennan, coupled with the conditions prescribed by the act of Congress, were very unsatisfactory to the Government or Ross party of Cherokees. Therefore their national council addressed[3] to the United States a solemn and formal protest against the injustice they had suffered through the treaties of 1835 and 1846, and the statement of account rendered by the United States under the provisions of those treaties.[4] After thus placing

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[1] See report of Second Auditor and Second Comptroller to Congress, December 3, 1849.

[2] November 17, 1851.

[3] November 29, 1851.

[4] After reciting in detail the "forced" circumstances through which those treaties were brought about, they declared —

1. That no adequate allowance had been made for the sums taken from the treaty fund of 1835 for removal; that though an appropriation had been made, the estimates upon which it was based were too small, and the balance was taken out of the Indian fund.

2. That if allowable in any sense, the Government had no right to take from the Cherokee fund an expense for removal greater than the limit fixed by the eighth article of the treaty of 1835.

3. That the alternative of receiving for subsistence $33.33, as provided for in the

themselves on record, the Cherokees accepted the money and complied with the conditions prescribed in the act of Congress.

AFFAIRS OF THE NORTH CAROLINA CHEROKEES.

As has been already remarked, at the time of the general removal of the Cherokee Nation in 1838 many individuals fled to the mountains of Tennessee and North Carolina and refused to emigrate. They always maintained their right to an equal participation in the personal benefits provided in the treaty of 1835, which, though not denied, was held by the executive authorities of the United States to be conditional upon their removal west. At length by an act of Congress approved July 29, 1848,[1] provision was made for causing a census to be taken of all those Cherokees who remained in the State of North Carolina after the ratification of the treaty of 1835 and who had not since removed west. An appropriation was made equal to $53.33\frac{1}{3}$ for each of such individuals or his or her representative, with interest at 6 per cent per annum from the 23d of May, 1836. Furthermore, whenever any of such individuals should manifest a desire to remove and join the tribe west of the Mississippi, the Secretary of War was authorized to expend their pro rata share of the foregoing fund, or so much thereof as should be necessary, toward defraying the expense of such removal and subsistence for one year thereafter, the balance, if any, to be paid to the individual entitled. The amount of this appropriation, it was stipulated, should be refunded to the United States Treasury from the general fund of the Cherokee Nation under the treaty of 1835. The census mentioned was taken by J. C. Mullay in 1849, and the number found to be entitled to the benefits of the appropriation was 1,517,[2] which by additions was increased to 2,133. Under the appropriation acts of Septem-

treaty of 1835, was refused to be complied with and their people forced to receive rations in kind at double the cost.

4. That the cost of the rations issued by the commandant at Fort Gibson to "indigent Cherokees" was improperly charged to the treaty fund, without legal authority.

5. That the United States was bound to reimburse the amount paid to some two or three hundred Cherokees who emigrated prior to 1835, but who were refused a participation in the "Old Settler" fund.

6. That the Cherokees who remained in the States of Georgia, North Carolina, and Tennessee were not entitled to any share in the per capita fund, inasmuch as they complied with neither of two conditions of their remaining East; and also because the census of those Cherokees was believed to be enormously exaggerated.

7. That the sum of $103,000 had been charged upon the treaty fund for expenses of Cherokees in Georgia during three months they were all assembled and had reported themselves to General Scott as ready to take up their emigration march.

8. That interest should be paid on the balance found due them from April 15, 1851, until paid, Congress having no power to abrogate the stipulations of a treaty.

9. That $20,000 of the funds of the emigrant Cherokees were taken to pay the counsel and agents of the Old Settler party without authority.

[1] United States Statutes at Large, Vol. IX, p. 264.

[2] Commissioner of Indian Affairs to Secretary of Interior, February 10, 1874.

ber 30, 1850, and February 27, 1851, these Cherokees remaining east of the Mississippi were entitled to their pro rata share of the amounts thus appropriated. Alfred Chapman was accordingly detailed[1] from the Interior Department to make the per capita payment, and was furnished with the amounts of $41,367.31 and $156,167.19 under those respective acts. He was directed to base his payments upon the census roll furnished him, which showed 2,133 Indians to be entitled. By section 3 of an act approved March 3, 1855,[2] provision was made for the distribution per capita among the North Carolina Cherokees on the Mullay roll[3] of the fund established by the act of July 29, 1848, provided that each Indian so receiving such payment in full should assent thereto. As a further condition to the execution of this act it was stipulated that satisfactory assurance should be given by the State of North Carolina, before such payment, that the Cherokees in question should be permitted to remain permanently in that State. The desired legislative assurance was not given by North Carolina until February 19, 1866, and the money was not, therefore, distributed, but carried to the surplus fund in the Treasury. Afterwards, by act of March 3, 1875,[4] it was made applicable to the purchase and payment of lands, expenses in quieting titles, etc.

In order to determine who were the legal heirs and representatives of those enrolled in 1849, but since deceased, the Secretary of the Interior was directed by an act of Congress, approved July 27, 1868,[5] to cause another census to be taken, to serve as a guide in future payments. It was further provided by the same act that the Secretary of the Interior should cause the Commissioner of Indian Affairs to take the same supervisory charge of this as of any other tribe of Indians.

This second census was taken by S. H. Sweatland in 1869, and he was instructed to make payment of interest then due to the Indians, guided by his roll, but on the same principle on which previous payments had been effected, that is, to those individuals only whose names appeared on the Mullay census roll, or their legal heirs or representatives, as ascertained by census taken by himself. As remarked by the Commissioner of Indian Affairs, the difficulty of tracing Indian genealogy through its various complications, in order to determine who are legal representatives of deceased Indians, without any rules by which hereditary descent among them may be clearly established, was fully demonstrated in the payment made by Mr. Sweatland, which was the occasion of many complaints and even of litigation.

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[1] November 20, 1851.

[2] United States Statutes at Large, Vol. X, p. 700.

[3] The fourth section of this same act made provision that the eighth section of the act of July 31, 1854 (United States Statutes at Large, Vol. X, pp. 315), authorizing the payment of per capita allowance to Cherokees east of the Mississippi, be so amended as to authorize the payment of all such Cherokees as, being properly entitled, were omitted from the roll of D. W. Siler from any cause whatever.

[4] United States Statutes at Large, Vol. XVIII, p. 447.

[5] United States Statutes at Large, Vol. XV, p. 228.

The landed interests of these North Carolina Cherokees had also since the treaty of 1835 become much complicated, and through their confidence in others, coupled with their own ignorance of proper business methods, they were likely to lose the title to their homes. At this juncture Congress, by an act approved July 15, 1870,[1] authorized suit in equity to be brought in the name of the Eastern Band of Cherokee Indians in the district or circuit courts of the United States for the recovery of their interest in certain lands in North Carolina. This suit was instituted in the circuit court of the United States for the western district of North Carolina in May, 1873, against William H. Thomas and William Johnston. Thomas, as the agent and trustee of the Indians, it was alleged had received (between 1836 and 1861) from them and for their benefit large sums of money, which had or ought to have been invested by him, in pursuance of various contracts with the Indians, in certain boundaries of land as well as in a number of detached tracts. The legal title to all these lands was taken by Thomas, and was still held in his own name, he having in the mean time become *non compos mentis*. It was alleged against the other defendant, Johnston, that in the year 1869 he had procured sales to be made of all these lands to satisfy judgments obtained by him against Thomas, and that he had bought in the lands at these sales and taken sheriff's deeds therefor, although having himself a knowledge of the existing equities of the Indians. In fact, that after the purchase of the lands he had entered into a contract with the Indians to release to them all the rights he had acquired by such purchase for the sum of $30,000, payable within eighteen months. Under this contract, and at the time of its execution, the Indians paid him $6,500.

A suit in law was also instituted, at the same time with the foregoing, against James W. Terrell, their former agent (from 1853 to 1861), and his sureties, the above named Thomas and Johnston, to recover a balance of Cherokee funds which he had received for their use from the United States and which it was alleged he had not properly accounted for.

At the May term, 1874, of the circuit court the matters in dispute were by agreement submitted to a board of arbitrators. The arbitrators made their report and award, which were confirmed by the court at the November term, 1874.

The award finds that Thomas purchased for the Indians as a tribe and with their funds a large tract of land on Soco Creek and Oconalufty River and their tributaries, known as the Qualla boundary, and estimated by the arbitrators to contain 50,000 acres. It declares that such tract belongs to and shall be held by the Eastern Band of Cherokees as a tribe.

The award also determines the titles of a large number of individual Indians to tracts of land outside of the Qualla boundary. It further finds that the Indians owe Thomas a balance toward the purchase-

[1] United States Statutes at Large, Vol. XVI, p. 362.

money of the Qualla boundary of $18,250, from which should be deducted the sum of $6,500 paid by the Indians to Johnston, with interest thereon to the date of the award, amounting in the aggregate to $8,486.

The award also finds that Terrell and his bondsmen are responsible to the Cherokees for an unaccounted-for balance of $2,697.89, which should also be deducted from the amount due Thomas, leaving a net balance due from the Indians on the purchase money of the Qualla boundary of $7,066. Upon the payment of this sum the award declares they should be entitled to a conveyance from Johnston of the legal title to all the lands embraced within that boundary.[1]

To enable the Indians to clear off this lien upon their lands, Congress, upon the recommendation of the Indian Department, provided by the terms of an act approved March 3, 1875,[2] that the funds set apart by the act of July 29, 1848, should be applied under the direction of the Secretary of the Interior for the use and benefit of the Eastern Band of Cherokees. Specifically these funds were to be used in perfecting the titles to the lands awarded to them and to pay the costs, expenses, and liabilities attending their recent litigations, also to purchase and extinguish the titles of any white persons to lands within the general boundaries allotted to them by the court and for the education, improvement, and civilization of their people. This was done and the Indians have now possession of their rightful domain.[3]

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[1] This balance, amounting in the aggregate (with interest) to $7,242.76, was paid April 3, 1875.

[2] United States Statutes at Large Vol. XVIII, p. 447.

[3] A short time prior (September 11, 1874) to the filing of the award of the arbitrators in the case of the Indians *vs.* Thomas, an agreement was made between the parties in interest to refer certain matters of dispute between Thomas and Johnston to the consideration and determination of the same arbitrators. As the result of this reference an award was made which showed that there was due from Thomas to Johnston upon three several judgments the sum of $33,887.11. Upon this sum, however, credits to the amount of $15,552.11 (including the $6,500 with interest paid to Johnston by the Cherokees under contract of September, 1869) were allowed, leaving the net amount due to Johnston $18,335, which sum he was entitled to collect with interest until paid, together with the costs taxed in the three judgments aforesaid. The arbitrators further found that Johnson held sheriff's deeds for considerable tracts of land which had been sold as the property of Thomas and which were not included among the lands held by him in trust for the Indians. These tracts Johnston had bought in by reason of clouds upon the title and "forbiddals" of the sales at a merely nominal figure. It was therefore declared that these sheriffs' deeds should be held by Johnston only as security for the payment of the balance due him on the judgments in question and for the costs taxed on each. It was further directed that Terrell and Johnston should make sale of so much of the lands embraced in the sheriff's deeds alluded to (excluding those awarded to the Cherokee Indians either as a tribe or as individuals) as would produce a sum sufficient to satisfy the above balance of $18,335 with interest and costs.

Following this award of the arbitrators Mr. Johnston submitted a proposition for the transfer and assignment of these judgments to the Eastern Band of Cherokees. Based upon this offer, the Commissioner of Indian Affairs reported to the Secretary of the Interior June 2, 1875, that the interests of the Indians required the acceptance of

PROPOSED REMOVAL OF THE CATAWBA INDIANS TO THE CHEROKEE COUNTRY.

It is perhaps pertinent to remark before proceeding further that by the terms of an act of Congress approved July 29, 1848 (United States Statutes at Large, Vol. IX, p. 264), an appropriation of $5,000 was made to defray the expenses of removing the Catawba Indians from Carolina to the country west of the Mississippi River, provided their assent should be obtained, and also conditioned upon success in securing a home for them among some other congenial tribe in that region without cost to the Government.

These Catawbas were but a miserable remnant of what a century and a half earlier had been one of the most powerful and warlike of the Southern tribes. They once occupied and controlled a large region of country in the two Carolinas, though principally in the Southern province. Their generally accepted western limit was the Catawba River and its tributaries, the region between this river and Broad River being usually denominated a neutral hunting ground for both the Catawbas and the Cherokees. An enmity of long standing had existed between the Catawbas and the Six Nations, and war parties of both nations for many years were wont to make long and devastating forays into each other's territory. The casualties of war and the ravages of infectious diseases had long prior to the beginning of the present century rendered the Catawbas insignificant in numbers and importance.

Johnston's proposition. This recommendation was confirmed by William Stickney, of the President's board of Indian commissioners, in a report to that body. Mr. J. W. Terrell, on behalf of the Eastern Cherokees, as well as their agent, W. C. McCarthy, joined in urging the acceptance of the proposal.

Supported by these opinions and recommendations, the Secretary of the Interior, on the 3d of June, 1875, authorized the purchase of the Johnston judgments, and two days later a requisition was issued for the money, and instructions were given to Agent McCarthy to make the purchase.

Under these instructions as subsequently modified (June 9, 1875), Agent McCarthy reported (July 27, 1875) the purchase of the judgments, amounting in the aggregate, including interest and costs, to $19,245.53, and an assignment of them was taken in the name of the Commissioner of Indian Affairs in trust for the Eastern Band of Cherokee Indians of North Carolina.

From investigations and reports afterward made by Inspectors Watkins and Vandever, it appears that there was much uncertainty and confusion as to the actual status of these lands. The latter gentleman reported (April 10, 1876) that the second award made by the arbitrators was a private affair between Thomas and Johnston and was entirely separate and distinct from the first award in the case of the Indians. He also reported that, despite the purchase of the Johnston judgments by the Indian Department in trust for the Indians, the two commissioners named in the second award proceeded to sell the lands upon which these judgments were a lien, and at the November, 1875, term of the court made a report of their proceedings, which was affirmed by the court.

Taking into consideration all these complications, it was recommended by Inspector Vandever that an agent or commission be appointed, if the same could be done by consent of all parties, who should assume the duty of appraising the lands affected by the Johnston judgments, and that such quantity of the lands be selected for the Chero-

Their territorial possessions had been curtailed to a tract of some fifteen miles square on the Catawba River, on the northern border of South Carolina, and the whites of the surrounding region were generally desirous of seeing them removed from the State.

In pursuance therefore of the provisions of the act of 1848 an effort was made by the authorities of the United States to find a home for them west of the Mississippi River. Correspondence was opened with the Cherokee authorities on the subject during the summer of that year, but the Cherokees being unwilling to devote any portion of their domain to the use and occupation of any other tribe without being fully compensated therefor, the subject was dropped.

FINANCIAL DIFFICULTIES OF THE CHEROKEES.

Unusual expenditures are always incident to the removal and establishment of a people in an entirely new country. Domestic dissensions and violence of a widespread character have a tendency to destroy the security of life and property usually felt in a well governed community, and insecurity in this manner becomes the parent of idleness and the destroyer of ambition.

Thus from a combination of adverse circumstances the Cherokees since their removal had been subjected to many losses of both an in-

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kees as would at such appraisal equal in value the amount of the judgments, interest, and costs, after which the remainder of the lands, if any, should be released to Mr. Thomas. The representatives of Thomas and Johnston also submitted a proposition for adjustment to the Indians, who by resolution of their council (March, 1876) agreed to accept it. In the light of this action and of the recommendation of Inspector Vandever, Congress passed an act (August 14, 1876) authorizing the Commissioner of Indian Affairs to receive in payment of the amount due to the Indians on the Johnston judgments owned by them a sufficient quantity of the Thomas lands to satisfy, at the appraised value, the amount of such judgments, and to deed the lands thus accepted to the Eastern Band of Cherokees in fee simple.

The commissoner of appraisal appointed and acting under this act of Congress, and under the supervision of Inspector Watkins, selected 15,211.2 acres, the appraised value of which was $20,561.35, being the exact amount, including interest and costs, due upon the judgments up to October 7, 1876, the date of appraisal.

Thereupon a deed (known as the Watkins deed) was executed by the parties representing the Johnston and Thomas interests, conveying the lands so selected to the Commissioner of Indian Affairs in the manner directed by the act of Congress, which deed it was agreed should be supplemented by a new one so soon as a more definite description could be given of the lands after survey. The surveys were made by M. S. Temple, who also surveyed the Qualla boundary tract, a deed for which latter tract (known as the Brooks deed) was executed direct to the Eastern Band of North Carolina Cherokee Indians, and the supplemental deed spoken of above was also executed. Sundry difficulties and complications have continued from time to time to arise in connection with the affairs of these Indians, and as the most effective measure of protection to their interests the Commissioner of Indian Affairs has suggested (April 26, 1882) to Congress the advisability of placing the persons and property of these people under the jurisdiction of the United States district court for the western district of North Carolina.

dividual and a national character. Their debts had come to be very oppressive, and they were anxiously devising methods of relief.

Proposed cession of the "neutral land."—At length in the fall of 1852 they began to discuss the propriety of retroceding to the United States the tract of 800,000 acres of additional land purchased by them from the Government under the provisions of the treaty of 1835. This tract was commonly known as the "neutral land," and occupied the southeast corner of what is now the State of Kansas.

It was segregated from the main portion of their territory, and had never been occupied by any considerable number of their people. After a full discussion of the subject in their national council it was decided to ask the United States to purchase it, and a delegation was appointed to enter into negotiations on the subject. They submitted their proposition in two communications,[1] but after due consideration it was decided by the Secretary of the Interior[2] to be inexpedient for the Government to entertain the idea of purchase at that time. Thereupon, under instructions from their national council, they withdrew the proposition.

As soon as the Cherokees resident in North Carolina and the neighboring States learned of this proposed disposition of the "neutral land" they filed a protest[3] against any sale of it that did not make full provision for securing to them a proportional share of the proceeds.

MURDER OF THE ADAIRS AND OTHERS.

In September of this year occurred another of those sudden acts of violence which had too frequently marked the history of the Cherokee people during the preceding fifteen years. Superintendent Drew first reported[4] to the Indian Office that a mob of one hundred armed men had murdered two unoffending citizens, Andrew and Washington Adair; that not less than two hundred men were in armed resistance to the authorities of the nation, who were unable or disinclined to suppress the insurrection, and that from sixty to one hundred of the best-known friends of the Adairs had been threatened with a fate similar to theirs. The presence and protection of an additional force of United States troops was therefore asked to preserve order in the Cherokee country and to allay the fears of the settlers along the border of Arkansas.

An additional United States force was accordingly dispatched, but the Cherokee authorities found little difficulty in controlling and allaying the excitement and disorder without their aid. In truth, the first report had been in large measure sensational, the facts as reported by

[1] February 17 and March 17, 1853.

[2] March 26, 1853.

[3] This protest bore date of November 9, 1853, and was filed by Edwin Follin, as their attorney or representative.

[4] September 21, 1853.

Agent Butler some two months later[1] being that the murder was occasioned by a purely personal difficulty and had no connection with any of the bitter political animosities that had cursed the nation for so many years. It seems that several years previous to the murder a Cherokee by the name of Proctor and one of the Adairs had a difficulty. Adair's friends took Proctor a prisoner through false pretenses and murdered him while in their hands. Proctor's friends in consequence were much enraged and made violent threats of retaliation. In fact during the period immediately following Proctor's death several other persons had been killed in consequence of the existing feud. The murder of the Adairs was the culmination of their enemies' revenge. The murderers were arrested, tried, and acquitted by the Cherokee courts.[2]

FINANCIAL DISTRESSES — NEW TREATY PROPOSED.

The year 1854 was in an unusual degree a period of quiet and comparative freedom from internal dissensions among the Cherokees. Their government was, however, still in an embarrassed financial condition. Their national debt was constantly increasing, and they possessed no revenue aside from the small income derived from the interest on their invested funds in the hands of the United States.

For a while, following the payment of their per capita money, they were in the enjoyment of plenty, but with the natural improvidence of a somewhat primitive people, their substance was wasted and no lasting benefits were derived therefrom. To add to their embarrassments, a severe drought throughout the summer resulted in an almost total failure of their crops. Distress and starvation seemed to be staring them in the face. Their schools, in which they had taken much commendable pride, were languishing for want of the funds necessary to their support, and the general outlook was anything but cheerful.[3]

In this dilemma a delegation was sent to Washington with authority and instructions to negotiate, if possible, another treaty with the United States, based upon the following conditions:[4]

1. The Cherokees to retrocede to the United States the 800,000 acre tract of "neutral land" at the price of $1.25 per acre, as a measure of relief from their public debt burdens and to replenish their exhausted school fund.

2. To cede to the United States the unsold portion of the 12-mile-square school fund tract in Alabama, set apart by the treaty of 1819, also at $1.25 per acre, together with the other small reserves in Tennessee set apart for the same purpose and by the same treaty, for which latter tracts they should receive $20,000.

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[1] November 22, 1853.

[2] Letter of Agent Butler, dated November 30, 1853.

[3] Annual report of Agent Butler for 1854.

[4] The delegation submitted these propositions in a communication to the Commissioner of Indian Affairs, dated December 28, 1854.

3. The United States to compensate the Cherokees living on the 800,000 acre tract for the value of their improvements.

4. The United States to rectify the injustice done to many individual Cherokees in regard to their claims under the treaty of 1835.

5. The United States to compensate the Cherokees for damages sustained through the action of citizens of the former in driving and pasturing stock in the Cherokee country, and to provide effectual measures for the prevention of such losses in the future.

6. The United States to cause a careful investigation to e made as to the status of the Cherokee invested fund and to render an account of the accrued and unpaid interest thereon.

7. The Cherokees to be reimbursed for money expended out of their funds for subsistence after the expiration of the period of "one year" provided by the treaty of 1835, but before their people had opportunity to become settled in their new homes

8. A just compensation to be made to the Cherokees for the heavy losses sustained in their sudden and forced removal from their Eastern home.

9. An absolute and speedy removal of the garrison at Fort Gibson.

10. That the treaty should contain a clear and specific definition of the rights and status of the Cherokee Nation in its political attitude toward and relations with the United States.

The proposed treaty formed the subject of much careful consideration, and negotiations were conducted throughout a large portion of the winter, without, however, reaching satisfactory results.

The failure of the delegation to secure definite action on these matters caused a great degree of dissatisfaction among all classes of their people.[1] They were anxious to sell their surplus detached land, and by that means free themselves from financial embarrassment. They were fully conscious that, so long as their financial affairs continued in such a crippled condition, there was little ground for a hopeful advancement in their morals or civilization. A traditional prejudice against the policy of parting with any of their public domain was deep seated and well nigh universal among the Cherokees, but so grinding and irksome had the burdens of their pecuniary responsibilities become and so anxious were they to discharge in good faith their duty to their creditors that this feeling of aversion was subordinated to what was believed to be a national necessity.

SLAVERY IN THE CHEROKEE NATION.

The reports of the Cherokee agent during the year 1855 devote considerable space to the discussion of the slavery question in its relations to and among that nation, from which it appears that considerable local excitement, as well as a general feeling of irritation and insecurity among the holders of slave property, had been superinduced by the

[1] Annual report of Agent Butler for 1855.

antislavery teachings of the Northern missionaries and emissaries of the various free soil organizations throughout the North. Three years later the agent reported that the amicable relations which existed between the Cherokees and the General Government certainly merited the latter's fostering care and protection, for already they were evincing much interest in all questions that concerned its welfare; that the majority of them were strongly national or democratic in political sympathy, though it was with regret he was obliged to report the existence of a few black republicans, who were the particular foundlings of the abolition missionaries. This same agent the following year (1859), after commending their enterprise and thrift, remarks: "I am clearly of the opinion that the rapid advancement of the Cherokees is owing in part to the fact of their being slaveholders, which has operated as an incentive to all industrial pursuits, and I believe if every family of the wild roving tribes of Indians were to own a negro man and woman, who would teach them to cultivate the soil and to properly prepare and cook their food, and could have a schoolmaster appointed for every district, it would tend more to civilize them than any plan that could be adopted." The latter part of this proposition perhaps no one would be willing to dispute, but in the light of twenty-five years of eventful history made since its promulgation, the author himself, if still living, would scarcely be so "clearly of opinion" concerning the soundness of his first assumption.

REMOVAL OF WHITE SETTLERS ON CHEROKEE LAND.

The year 1856 was characterized by no event in the official history of the Cherokees of special importance, except, perhaps, the expulsion of white settlers who had intruded upon the "neutral lands," in which the aid of the military forces of the United States was invoked.

FORT GIBSON ABANDONED BY THE UNITED STATES.

The long and urgent demands of the Cherokees for the withdrawal of the garrison of United States troops at Fort Gibson was at length complied with in the year 1857,[1] and under the terms of the third article of the treaty of 1835 the fort and the military reserve surrounding it reverted to and became a part of the Cherokee national domain. In his annual message of that year to the Cherokee council John Ross, their principal chief, recommended the passage of a law which should authorize the site of the post to be laid off into town lots and sold to citizens for the benefit of the nation, reserving such lots and buildings as seemed desirable for future disposition, and providing for the suitable preservation of the burying-grounds in which, among others, reposed the remains of several officers of the United States Army. This recommendation was favorably acted upon by the council, and town

[1] Annual report of Agent Butler for 1857.

lots sold exclusively to the citizens of the nation brought the sum of $20,000.[1]

REMOVAL OF TRESPASSERS ON "NEUTRAL LAND."

White settlers having for several years preceding, in defiance of the notification and authority of the General Government, continued their encroachments and settlement on the "Cherokee neutral land," and the Cherokee authorities having made repeated complaints of these unauthorized intrusions, measures were taken to remove the cause of complaint. Notice was therefore given to these settlers in the winter of 1859, requiring them to abandon the lands by the 1st of April following. No attention was paid to the notice, but the settlers went on and planted their crops as usual. The newly appointed Cherokee agent, having failed to reach his agency until late in the spring, proceeded to the neutral land in August, and again notified the trespassers to remove within thirty-five days. To this they paid no more heed than to the first notification. Some two months later,[2] therefore, the agent, accompanied by a detachment of United States dragoons, under command of Captain Stanley, marched into the midst of the settlers and again commanded their immediate removal. Upon their refusal to comply he adopted the plan of firing their cabins, which soon brought them to terms. They proposed that if he would desist in his forcible measures and withdraw the troops, they would quietly remove on or before the 25th of November, unless in the mean time they should receive the permission of the Government to remain during the winter. This the agent agreed to, and subsequently the permission was granted them to so remain.

In connection with this subject it appears from the records of the Department that owing to an error in protracting the northern boundary of the "neutral land," the line was made to run 8 or 9 miles south of the true boundary, leaving outside of the reserve as it was marked on the map, a strip known as the "dry woods," which should have been included in it; it was generally believed that the "dry woods" was a part of the New York Indian reservation, on which settlements were permitted, and as the settlers on that particular portion had gone there in good faith the agent did not molest them.[3] The Secretary of the Interior himself expressed the opinion that the "dry woods" settlers were law abiding citizens and had settled there under a misapprehension of the facts, and that as they had expended large sums in opening and improving their farms it would be a great hardship if they should be compelled to remove. He therefore suspended the execution of the law as to them until the approaching session of Congress, in order that

[1] Annual report of Agent Butler for 1858.

[2] October 10, 1860.

[3] See reports of Agent Cowart in November, 1860, in Indian Office report of 1860, pp. 224, 225.

they might have an opportunity of applying to that body for relief. The Cherokees it was well known were anxious to dispose of the land, and the Secretary declared his intention of recommending the passage of a law with their consent, providing for the survey and sale of the "neutral lands," after the manner of disposing of the public lands, the proceeds to be applied to the benefit of the Cherokees. The outbreak of the great rebellion so soon thereafter, however, precluded the consummation of this proposed legislation.

JOHN ROSS OPPOSES SURVEY AND ALLOTMENT OF CHEROKEE DOMAIN.

During the winter of 1859–'60, the Commissioner of Indian Affairs, believing that a survey and subdivision of the Cherokee national domain, and its allotment in severalty among the members of the tribe, would produce an effect favorable to their progress in the cultivation of the soil, submitted the suggestion for the consideration of their lawfully constituted authorities. John Ross, as principal chief of the nation, in replying to this suggestion,[1] declined on behalf of the nation to give it favorable consideration, (1) because it conflicted with the general policy of the Government through which the Cherokees were removed from their homes east of the Mississippi River; (2) because it was inconsistent with existing treaties between the United States and the Cherokee Nation; (3) because it could not be done without a change in the constitution of the nation; and, finally, that it would not be beneficial to the Cherokee people.

POLITICAL EXCITEMENT IN 1860.

The year 1860 was characterized by great excitement and local disturbances. Many affrays occurred and numerous murders were perpetrated. The excitement and bitterness of feeling involved in the issues at stake between the great political parties of the country in the pending Presidential election extended to and pervaded the entire population of the civilized tribes of Indian Territory.

They were many of them slaveholders, especially the half-breeds and mixed bloods. They therefore vehemently resented the introduction and dissemination of any doctrines at variance with the dogma of the divine origin of slavery or that should set up any denial of the moral and legal right of the owner to the continued possession of his slave property. The missionaries and many of the school teachers among the Cherokees were persons of strong anti-slavery convictions, and the former especially were zealous in their dissemination of doctrines fatal alike to the peace and endurance of a slave community. In September John B. Jones, a Baptist missionary, who had devoted much of his life to Christian work among the Indians, was notified by the agent to leave the country within three weeks, because of the publication of an article from his pen in a Northern paper, wherein he stated that he

[1] January 1, 1860.

was engaged in promulgating anti-slavery sentiments among his flock.[1] Others were in like manner compelled to leave, and the excitement continued to increase daily until the outbreak of hostilities precipitated by the attack on Fort Sumter.

Before the actual outbreak of hostilities, in the winter of 1860, adherents of the Southern cause, among the most effectual and influential of whom were the official agents of the United States accredited to the Indian tribes, were active in propagating the doctrines of secession among the Cherokees, as well as among other tribes of the Indian Territory. Secret societies were organized, especially among the Cherokees, and Stand Watie, the recognized leader of the old Ridge or Treaty party, was the leader of an organization of Southern predilections known as the Knights of the Golden Circle. A counter organization was formed from among the loyally inclined portion of the nation, most, if not all, of whom were members of the Government or Ross party. The membership of this latter society was composed principally of full blood Cherokees, and they termed themselves the "Ki-tu-wha," a name by which the Cherokees were said to have been known in their ancient confederations with other Indian tribes.[2] The distinguishing badge of membership in this association was a pin worn in a certain position on the coat, vest, or hunting shirt, from whence members were given the designation in common parlance of "Pin" Indians. According to the statement of General Albert Pike, however (and I think he gives the correct version), this "Pin" society was organized and in full operation long before the beginning of the secession difficulties, and was really established for the purpose of depriving the half-breeds of all political power.[3] Be this as it may, however, the society was made to represent in the incipient stages of the great American conflict the element of opposition to an association with the Southern Confederacy and on one occasion it prevented the distinctively Southern element under the leadership of Stand Watie from raising a Confederate flag at Tahlequah.[4] It was also alleged to have been established by the Rev. Evan Jones, a missionary of more than forty years' standing among the Cherokees, as an instrument for the dissemination of anti-slavery doctrines.[5]

[1] Letter of Agent R. J. Cowart to Commissioner Indian Affairs, September 8, 1860.

[2] Letter of S. W. Butler, published in Philadelphia North American, January 24, 1863.

[3] Letter of General Albert Pike to Commissioner of Indian Affairs, February 17, 1866, published in pamphlet report of Commissioner of Indian Affairs to the President, bearing date June 15, 1866.

[4] Letter of S. W. Butler, in Philadelphia North American, January 24, 1863, and letter of General Albert Pike to Commissioner of Indian Affairs, February 17, 1866.

[5] Letter of Albert Pike, February 17, 1866. The delegates representing the "Southern Cherokees," in their statement to the United States commissioners at the Fort Smith conference, September 16, 1865, say: "Years before the war one portion of the Cherokees was arrayed in deadly hostility against the other; a secret organized society called the 'Pins,' led by John Ross and Rev. Jones, had sworn destruction to the half-bloods and white men of the nation outside this organization," etc.

CHEROKEES AND THE SOUTHERN CONFEDERACY.

In May, 1861, General Albert Pike, of Arkansas, was requested by Hon. Robert Toombs, secretary of state of the Confederate States, to visit the Indian Territory as a commissioner, and to assure the Indians of the friendship of those States. He proceeded to Fort Smith,[1] where, in company with General Benjamin McCulloch, he was waited on by a delegation of Cherokees representing the element of that people who were enthusiastically loyal to the Confederacy and who were desirous of ascertaining whether in case they would organize and take up arms for the South the latter would engage to protect them from the hostility of John Ross and the association of "Pin" Indians who were controlled by him.[2] Assurances were given of the desired protection, and messengers were sent to a number of the prominent leaders of the anti-Ross party to meet General Pike at the Creek Agency, two days after he should have held an interview with Ross, then contemplated, at Park Hill. General Pike, as he alleges, had no idea of concluding any terms with Ross, and his intention was to treat with the leaders of the Southern party at the Creek Agency. At the meeting held with Ross at Park Hill, the latter refused to enter into any arrangement with the Confederate Government, and obstinately insisted on maintaining an attitude of strict neutrality. After vainly endeavoring to shake the old man's purpose, General McCulloch at length agreed to respect his neutrality so long as the Federal forces should refrain from entering the Cherokee country.[3]

General McCulloch having been ordered by the Confederate authorities to take command of the district of country embracing the Indian Territory, with headquarters at Fort Smith, addressed[4] a communication to John Ross again assuring him of his intention to respect the neutrality of the Cherokee people, except that all those members of the tribe who should so desire must be permitted to enlist in the Confederate army, without interference or molestation, for purposes of defense in case of an invasion from the North. To this Ross replied,[5] reasserting the determination of the Cherokees to maintain a strict neutrality between the contending parties. He refused his consent to any organization or enlistment of Cherokee troops into the Confederate service, for the reason, first, it would be a palpable violation of the Cherokee position of neutrality, and, second, it would place in their midst organized companies not authorized by the Cherokee laws, but in violation of treaty, and which would soon become effective instruments in stirring up domestic strife and creating internal difficulties among the Cherokee people. General McCulloch in his letter had assumed that his proposi-

[1] Early in June, 1861.

[2] Letter of General Albert Pike to Commissioner of Indian Affairs, February 17, 1866.

[3] Ibid.

[4] June 12, 1861.

[5] June 17, 1861.

tion for permitting enlistments of Cherokees of Confederate sympathies was in accordance with the views expressed to him by Ross in an interview occurring some eight or ten days previous, wherein the latter had observed that in case of an invasion from the North he himself would lead the Cherokees to repel it. Ross, in his reply above alluded to, takes occasion to assure McCulloch that the latter had misapprehended his language. It was only in case of a foreign invasion that he had offered to lead his men in repelling it. He had not signified any purpose as to an invasion by either the Northern or Southern forces, because he had not apprehended and could not give his consent to any.

Some time in August[1] a convention was assembled at Tahlequah upon the call of John Ross, to take into consideration the question of the difficulties and dangers surrounding the Cherokee Nation and to determine the most advisable method of procedure. At this convention a number of speeches were made, all of which were bitterly hostile in tone to the United States and favorable to an open alliance with the Southern Confederacy. Ross, among others, gave free expression to his views, and according to the published version of his remarks gave it as his opinion that an understanding with the Confederacy was the best thing for the Cherokees and all other Indians to secure and that without delay; that, as for himself, he was and always had been a Southern man, a State rights man; born in the South, and a slaveholder; that the South was fighting for its rights against the oppressions of the North, and that the true position of the Indians was with the Southern people. After this speech the convention, which was attended by four thousand male Cherokees, adopted without a dissenting voice a resolution to abandon their relations with the United States and to form an alliance with the Confederacy.

Treaties between Confederate States and various Southern tribes.—General Pike did not see Ross again until September.[2] In the meantime, the latter had secured the attendance of a large number of representatives of both Northern and Southern tribes, at a convocation held at Antelope Hills, where a unanimous agreement was reached to maintain a strict neutrality in the existing hostilities between their white neighbors. The alleged purpose of this assembly, as stated by General Pike, was to take advantage of the war between the States, and form a great independent Indian confederation, but he defeated its purpose by concluding a treaty with the Creeks on behalf of the Confederate States, while their delegates were actually engaged in council at the Antelope Hills. Following his negotiations with the Creeks, he concluded treaties in quick succession with the Choctaws and Chickasaws, the Seminoles, the Wichitas, and affiliated tribes, including the absentee Shawnees and Dela-

[1] According to the message of John Ross, as principal chief to the Cherokee national council, October 9, 1861, this convention was held on the 21st of August, 1861.

[2] Pike's letter to Commissioner of Indian Affairs, February 17, 1866.

wares, and the Comanches.[1] On returning from his treaty with the Comanches, he was met before reaching Fort Arbuckle by a messenger bearing a letter from Ross and his council, accompanied by a copy of the resolutions of the council and a pressing personal invitation to repair to the Cherokee country and enter into a treaty with that tribe. He consented and named a day when he would meet Ross, at the same time writing the latter to notify the Osages, Quapaws, Senecas, and the confederated Senecas and Shawnees, to meet him at the same time. At the time fixed he proceeded to Park Hill (Ross's residence), where he concluded treaties with these various tribes[2] during the first week in October, reserving the negotiations with the Cherokees to the last, the treaty with whom was concluded on the 7th of the month at Tahlequah. This instrument was very lengthy, being comprised in fifty-five articles.[3] The preamble set forth that—

> The Congress of the Confederate States of America having, by an "Act for the protection of certain Indian tribes," approved the 21st day of May, in the year of our Lord one thousand eight hundred and sixty-one, offered to assume and accept the protectorate of the several nations and tribes of Indians occupying the country west of Arkansas and Missouri, and to recognize them as their wards, subject to all the rights, privileges, immunities, titles and guarantees with each of said nations and tribes under treaties made with them by the United States of America; and the Cherokee Nation of Indians having assented thereto upon certain terms and conditions: Now, therefore, the said Confederate States of America, by Albert Pike, their commissioner, constituted by the President, under authority of the act of Congress in that behalf, with plenary powers for these purposes, and the Cherokee Nation by the principal chief, executive council, and commissioners aforesaid, has agreed to the following articles, etc.

With some slight amendments to the instrument as originally concluded it was duly ratified by the Confederate States.

CHEROKEE TROOPS FOR THE CONFEDERATE ARMY.

Long before[4] the conclusion of this treaty, authority was given by General McCulloch to raise a battalion of Cherokees for the service of the Confederate States. Under this authority a regiment was raised in December, 1861, and commanded by Stand Watie, the leader of the anti-Ross party. A regiment had also been previously raised, ostensibly as home guards, the officers of which had been appointed by Chief

[1] Pike's letter to Commissioner of Indian Affairs, February 17, 1866. These treaties were concluded on the following dates respectively: Creek, July 10; Choctaw and Chickasaw, July 12; Seminole, August 1; Shawnees, Delawares, Wichitas, and affiliated tribes resident in leased territory, and Comanches, August 12, 1861.

[2] The treaty with the Osages was concluded October 2, that with the Senecas and Shawnees on the same day, and also that with the Quapaws. (See Report Commissioner of Indian Affairs for 1865, p. 318.)

[3] The text of this treaty was reprinted for the use of the United States treaty commissioners in 1866.

[4] August, 1861. See letter of Commissioner of Indian Affairs to the President, June 15, 1866.

Ross and the command assigned to Colonel Drew.[1] After the conclusion of the treaty this regiment was also placed at the service of the Confederate States, and in December[2] following, in an address to them, Ross remarked that he had raised the regiment "to act in concert with the troops of the Southern Confederacy."

These two regiments actively participated and co-operated in the military operations of the Confederates until after the battle of Pea Ridge, in which they were engaged.[3] In the summer of 1862,[4] following this battle, Colonel Weir, of the United States Army, commanding a force partly composed of loyal Indians on the northern border of the Cherokee country, sent a proposition to John Ross urging that the Cherokees should repudiate their treaty with the Confederacy and return to their former relations with the United States, offering at the same time a safe conduct to Ross and such of his leading counselors as he should designate through the Union lines to Washington, where they could negotiate a new treaty with the authorities of the United States. This proposition was declined peremptorily by Ross, who declared that the Cherokees disdained an alliance with a people who had authorized and practiced the most monstrous barbarities in violation of the laws of war; that the Cherokees were bound to the Confederate States by the faith of treaty obligations and by a community of sentiment and interest; that they were born upon the soil of the South and would stand or fall with the States of the South.[5]

A CHEROKEE CONFEDERATE REGIMENT DESERTS TO THE UNITED STATES.

Colonel Drew's regiment of Cherokees had now been in the Confederate service about ten months. During that period they had remained unpaid, were scantily clothed, and were generally uncared for, unthanked, and their services unrecognized.[6] When, therefore, Colonel Weir invaded the Cherokee country in July, 1862, and the power and

[1] General Albert Pike in his letter of February 17, 1866, speaks of being escorted from Fort Gibson to Park Hill on his way to conclude the treaty of October 7, 1861, by eight or nine companies of Colonel Drew's regiment, which had been previously raised as a home guard by order of the national council.

[2] This address (printed as document No. 7, accompanying the letter of Commissioner of Indian Affairs to the President, June 15, 1866) bears date of December 19, 1862. This is an evident typographical error for 1861, because the address was in the nature of a censure upon the regiment for its defection on the eve of a battle with the forces of O-poth-le-yo-ho-lo, the loyal Creek leader. This battle occurred at Bushy or Bird Creek, December 9, 1861, and before the expiration of another year Ross had left the Cherokee country under the escort of Colonel Weir.

[3] Greeley's American Conflict, Vol. II, p. 32; also, Report of Commissioner of Indian Affairs, June 15, 1866, and numerous other official documents.

[4] Report of Commissioner of Indian Affairs to the President, June 15, 1866, p. 10.

[5] Letter of General Albert Pike, February 17, 1866; also letter of T. J. Mackey, June 4, 1866.

[6] Letter of General Albert Pike, February 17, 1866.

prestige of the Confederacy seemed, for the time being, to have become less potent in that region, their troops having been withdrawn to other localities, these discontented and unfed Cherokee soldiers found themselves in a condition ripe for revolt. Almost *en masse*, they abandoned the Confederate service and enlisted in that of the United States.

Conduct of John Ross.—Ross, finding that he had been abandoned by Drew's regiment, concluded to make a virtue of necessity and become a loyal man too, with the shrewd assertion that such had always been the true impulse of his heart; he had been overborne, however, by the authority and power of the Confederate Government and felt constrained to save his people and their material interests from total destruction by dissembling before the officials of that Government, seeking only the first opportunity, which he had now embraced, to return with his people to the fealty they so delighted to bear to the Federal Government.[1] He was escorted out of the Cherokee country by Colonel Weir's regiment and did not soon return. The burden of proof seems to be almost, if not quite, conclusive against his pretensions to loyalty up to this period, and now that the opportunity he had so long desired of placing himself and his people within the protection of the United States had arrived, instead of manifesting any of that activity which had characterized his conduct in behalf of the Confederate States, he retired to Philadelphia, and did not return to his people for three years.[2]

O-poth-le-yo-ho-lo and his loyal followers.—General Pike, in his letter to the Commissioner of Indian Affairs pending the negotiation of the treaty of 1866, seeks to convey the impression that there were no actively loyal Indians among the Southern tribes during the incipient stages of the rebellion, and perhaps this is in large measure correct as to most of those tribes.

Their situation was such as would have worked confusion in the ideas of a less primitive and simple minded people. For years before the outbreak of the rebellion their superintendents, agents, and agency employés had been, almost without exception, Southern men or men of Southern sympathies. They were a slaveholding people, and the idea was constantly pressed upon them that the pending difficulties between the North and the South were solely the result of a determination on the part of the latter to protect her slave property from the aggressions and rapacity of the former. When at last hostilities commenced, they saw the magnitude of the preparation and the strength of the Confederate forces in their vicinity. The weakness of the Federal forces was equally striking. Within the scope of their limited horizon there was naught that seemed to shed a ray of hope upon the rapidly darkening sky of Federal supremacy. Those who were naturally inclined to sympathize with, and who retained a feeling of friendship and reverence for,

[1] Commissioner of Indian Affairs to the President, June 15, 1866.
[2] Ibid.

the old Government were awed into silence. A sense of fear and helplessness for the time being compelled them to accept and apparently acquiesce in a state of affairs for which many of them had no heart.

After the Cherokee convention at Tahlequah, in August, 1861, at which it was decided with such unanimity to renounce their treaty relations with the United States and to enter into diplomatic alliance with the Confederacy, O-poth-le-yo-ho-lo, an old and prominent Creek chief, whom Ross had notified by letter of the action taken, and upon whom he urged the wisdom of securing similar action by the Creeks,[1] refused to lend himself to any such measure. He called a council of the Creeks, however, representing to them the action of the Cherokees, alleging that their chiefs had been bought, and reminded the Creeks of the duties and obligations by which they were bound to the Government of the United States.

The majority of the Creeks, notwithstanding, were for active co-operation with the Confederacy, and an internecine war was at once inaugurated. The loyal portion of the Seminoles, Wichitas, Kickapoos, and Delawares joined O-poth-le-yo-ho-lo and his loyal Creeks, who after two or three engagements with the disloyal Indians, backed by a force of Texas troops, was compelled to retreat to the north, which he did in December, 1861.[2] The weather was extremely inclement; the loyal Indians were burdened with all their household goods, their women and children, and at the same time exposed to the assaults of their enemies. Their baggage was captured, leaving many of them without shoes or comfortable clothing. Hundreds perished on the route, and at last, after a journey of 300 miles, they reached Humboldt, Kansas, racked with disease, almost frozen, and with starvation staring them in the face. Immediately upon learning of the condition of these sufferers, Indian Superintendent Coffin promptly inaugurated measures for their relief. Having inconsiderable funds at his command for the purpose, application was made to General Hunter, commanding the Department of Kansas, who promptly responded with all the supplies at his disposal. The Indians in their retreat had become scattered over an area of territory 200 miles in extent, between the Verdigris and Fall River, Walnut Creek and the Arkansas. As they became aware of the efforts of the Government for their relief, they began to pour into the camp of rendezvous on the Verdigris, but were later removed to Le Roy, Kansas. Authority was given to enlist the able bodied males in the service of the United States, and two regiments were at once organized and placed under command of Colonel Weir for an expedition against the Indian Territory, mention of which has been previously made. A census taken of these refugees by Superintendent Coffin,

[1] Letter of John Ross to O-poth-le-yo-ho-lo, September 19, 1861.

[2] Report of Agent Cutler and Superintendent Coffin for 1862. See pages 135 and 138 of the Report of the Commissioner of Indian Affairs for 1862.

in August, 1862, showed that there were in camp, exclusive of the 2,000 who had enlisted in the service of the United States, 3,619 Creeks, 919 Seminoles, 165 Chickasaws, 223 Cherokees, 400 Kickapoos, 89 Delawares, 19 Ionies, and 53 Keechies, in all 5,487, consisting of 864 men, 2,040 women, and 2,583 children. In addition to these at least 15 per cent. had died since their arrival from hardships encountered in the course of their retreat. They were subsequently removed to the Sac and Fox reservation in Kansas.

Until after Colonel Weir's expedition to the Indian Territory not exceeding three hundred Cherokees had taken refuge within the Union lines; but in the autumn of 1862, after Weir's retreat, a body of refugees, mostly women and children, claiming the protection of the United States, made their way to a point on the Cherokee neutral lands some 12 miles south of Fort Scott, Kansas.

Like all the other refugees, they were in a most destitute and suffering condition. In need of food, clothing, and supplies of all kinds, these sufferers, to the number of two thousand, appealed for relief, and were for a time supplied by the Superintendent of Indian Affairs, but afterwards, on being taken under charge of the military authorities, were transferred to Neosho, Missouri.

Relations with the Southern Confederacy renounced.—During the month of February, 1863 (as reported[1] by John Ross from Philadelphia), a special meeting of the Cherokee national council was convened at Cowskin Prairie, and the following legislation was enacted:

1. Abrogating the treaty with the Confederate States, and calling a general convention of the people to approve the act.

2. The appointment of a delegation with suitable powers and instructions to represent the Cherokee Nation before the United States Government, consisting of John Ross, principal chief, Lieutenant-Colonel Downing, Capt. James McDaniel, and Rev. Evan Jones.

3. Authorizing a general Indian council to be held at such time and place as the principal chief may designate.

4. Deposing all officers of the nation disloyal to the Government.

5. Approving the purchase of supplies made by the treasurer and directing their distribution.

6. Providing for the abolition of slavery in the Cherokee Nation.

RAVAGES OF WAR IN THE CHEROKEE NATION.

In the latter part of the winter of 1862 and early spring of 1863 the military authorities conceived the propriety of returning the refugee Cherokees to their homes in time to enable them to plant their spring crops. Two military expeditions were organized, one to move from Springfield, Mo., under the command of General Blunt, and the other from Scott's

[1] April 2, 1863.

Mills, in charge of Colonel Phillips.[1] The Indians were furnished with the necessary agricultural implements, seeds, etc., and were promised complete protection from the incursions of their enemies. The refugees, in charge of Indian Agent Harlan, set out for their homes a week after the army had marched, reaching Tahlequah in safety, and immediately scattering themselves throughout the country engaged busily in planting their crops. Their labors had only fairly commenced when they were alarmed by the reported approach of Stand Watie and his regiment of Confederate Cherokees. The Indians immediately suspended their labors, and, together with the troops under Colonel Phillips, were compelled to take refuge in Fort Gibson. Their numbers were, as reported by the superintendent, now increased to upwards of six thousand, by the addition of many who, up to this time, had remained at their homes. The troops of Stand Watie, alleged to number some seven hundred, scoured the country at their pleasure, and not only everything of value that had previously escaped confiscation in the nation, but everything that had been brought back with them by the refugees to aid in their proposed labors, was either carried off or destroyed. The failure of these expeditions in accomplishing the objects for which they were organized rendered it necessary that the refugees should be fed and maintained at Fort Gibson, some 200 miles distant from the base of supplies. This situation of affairs remained practically unchanged until the close of the war, except that the number of destitute Indians requiring subsistence from the Government increased to sixteen or seventeen thousand. The United States forces continued to occupy Forts Smith and Gibson, and the Indians were thus enabled to cultivate, to a limited extent, the lands within the immediate protection of those posts, but their country was infested and overrun by guerrillas, who preyed upon and destroyed everything of a destructible character. There was no portion of country within the limits of the United States, perhaps, that was better suited to the demands of stock-raising, and the Cherokees had, prior to the war, entered largely into this pursuit. Many of them were wealthy and numbered their herds by hundreds and even thousands of head. Almost the entire nation was surrounded by all the comforts and many of the luxuries of a civilized people. When they were overwhelmed by the disasters of war, and saw the labors and accumulations of more than twenty years' residence in that pleasant and fruitful country swept away in a few weeks, the sullen bitterness of despair settled down upon them. Their losses in stock alone aggregated, according to the best estimates, more than 300,000 head. Is it any wonder that the springs of hope should dry up within their breasts?

[1] Report of Commissioner of Indian Affairs for 1863, p. 24.

TREATY CONCLUDED JULY 19, 1866; PROCLAIMED AUGUST 11, 1866.

Held at Washington, D. C., between Dennis N. Cooley, Commissioner of Indian Affairs, and Elijah Sells, superintendent of Indian Affairs for the southern superintendency, on behalf of the United States, and the Cherokee Nation of Indians, represented by its delegates, James McDaniel, Smith Christie, White Catcher, S. H. Benge, J. B. Jones, and Daniel H. Ross, John Ross, principal chief, being too unwell to join in these negotiations.[1]

MATERIAL PROVISIONS.

Whereas existing treaties between the United States and the Cherokee Nation are deemed to be insufficient, the contracting parties agree as follows, viz:

1. The pretended treaty of October 7, 1861, with the so-called Confederate States, repudiated by the Cherokee National Council February 18, 1863, is declared to be void.

2. Amnesty is declared for all offenses committed by one Cherokee against the person or property of another or against a citizen of the United States prior to July 4, 1866. No right of action arising out of acts committed for or against the rebellion shall be maintained in either the United States or the Cherokee courts, and the Cherokee Nation agree to deliver to the United States all public property in their control which belonged to the United States or the so-called Confederate States.

3. The confiscation laws of the Cherokee Nation shall be repealed, and all sales of farms and improvements are declared void. The former owners shall have the right to repossess themselves of the property so sold. The purchaser under the confiscation laws shall receive from the treasurer of the nation the money paid and the value of the permanent improvements made by him. The value of these improvements shall be fixed by a commission, composed of one person appointed by the United States and one appointed by the Cherokee Nation, who in case of disagreement may appoint a third. The value of these improvements so fixed shall be returned to the Cherokee treasurer by returning Cherokees within three years.

4. All Cherokees and freed persons who were formerly slaves to any Cherokee, and all free negroes, not having been such slaves, who resided in the Cherokee Nation prior to June 1, 1861, who may within two years elect not to reside northeast of the Arkansas River and southeast of Grand River, shall have the right to settle in and occupy the Canadian district southwest of the Arkansas River; and also the country northwest of Grand River, and bounded southeast by Grand River and west by the Creek country, to the northeast corner thereof; from thence west on north line of Creek country to 96° west longitude; thence north with

[1] United States Statutes at Large, Vol. XIV, p. 799.

said 96° so far that a line due east to Grand River will include a quantity of land equal to 160 acres for each person who may so elect to reside therein, provided that the part of said district north of Arkansas River shall not be set apart until the Canadian district shall be found insufficient to allow 160 acres to each person desiring to settle under the terms of this article.

5. The inhabitants electing to reside in the district described in the preceding article shall have the right to elect all their local officers and judges, also their proportionate share of delegates in any general council that may be established under the twelfth article of this treaty; to control all their local affairs in a manner not inconsistent with the constitution of the Cherokee Nation or the laws of the United States, provided the Cherokees residing in said district shall enjoy all the rights and privileges of other Cherokees who may elect to settle in said district as herein before provided, and shall hold the same rights and privileges and be subject to the same liabilities as those who elect to settle in said district under the provisions of this treaty; provided, also, that if any rules be adopted which, in the opinion of the President, bear oppressively on any citizen of the nation he may suspend the same. And all rules or regulations discriminating against the citizens of other districts are prohibited and shall be void.

6. The inhabitants of the aforesaid district shall be entitled to representation in the national council in proportion to their numbers. All laws shall be uniform throughout the nation. The President of the United States is empowered to correct any evil arising from the unjust or unequal operation of any Cherokee law and to secure an equitable expenditure of the national funds.

7. A United States court shall be created in the Indian Territory; until created, the United States district court nearest the Cherokee Nation shall have exclusive original jurisdiction of all causes, civil and criminal, between the inhabitants of the aforesaid district and other citizens of the Cherokee Nation. All process issued in said district against a Cherokee outside of said district shall be void unless indorsed by the judge of the district in which the process is to be served. A like rule shall govern the service of process issued by Cherokee officers against persons residing in the aforesaid district. Persons so arrested shall be held in custody until delivered to the United States marshal or until they shall consent to be tried by the Cherokee court. All provisions of this treaty creating distinctions between citizens of any district and the remainder of the Cherokee Nation shall be abrogated by the President whenever a majority of the voters of such district shall so declare at an election duly ordered by him. No future law or regulation enacted in the Cherokee Nation shall take effect until ninety days after promulgation in the newspapers or by written posted notices in both the English and Cherokee languages.

8. No license to trade in the Cherokee Nation shall be granted by the

United States unless approved by the Cherokee national council, except in the districts mentioned in article 4.

9. The Cherokee Nation covenant and agree that slavery shall never hereafter exist in the nation. All freedmen, as well as all free colored persons resident in the nation at the outbreak of the rebellion and now resident therein or who shall return within six months and their descendants, shall have all the rights of native Cherokees. Owners of emancipated slaves shall never receive any compensation therefor.

10. All Cherokees shall have the right to sell their farm produce, live stock, merchandise, or manufactures, and to ship and drive the same to market without restraint, subject to any tax now or hereafter levied by the United States on the quantity sold outside of the Indian Territory.

11. The Cherokee Nation grant a right of way 200 feet in width through their country to any company authorized by Congress to construct a railroad from north to south and from east to west through the Cherokee Nation. The officers, employés, and laborers of such company shall be protected in the discharge of their duties while building or operating said road through the nation and at all times shall be subject to the Indian intercourse laws.

12. The Cherokees agree to the organization of a general council, to be composed of delegates elected to represent all the tribes in the Indian Territory, and to be organized as follows:

I. A census shall be taken of each tribe in the Indian Territory.

II. The first general council shall consist of one member for each tribe, and an additional member for each one thousand population or fraction thereof over five hundred. Any tribe failing to elect such members of council shall be represented by its chief or chiefs and headmen in the above proportion. The council shall meet at such time and place as the Superintendent of Indian Affairs shall approve. No session shall exceed thirty days in any one year. The sessions shall be annual; special sessions may be called by the Secretary of the Interior in his discretion.

III. The council shall have power to legislate upon matters pertaining to intercourse and relations of the tribes and freedmen resident in Indian Territory; the arrest and extradition of criminals and offenders escaping from one tribe or community to another; the administration of justice between members of different tribes and persons other than Indians and members of said tribes or nations; and the common defense and safety. All laws enacted by the council shall take effect as therein provided, unless suspended by the President of the United States. No law shall be enacted inconsistent with the Constitution or laws of the United States or with existing treaty stipulations. The council shall not legislate upon matters other than above indicated, unless jurisdiction shall be enlarged by consent of the national council of each nation or tribe, with the assent of the President of the United States.

IV. Said council shall be presided over by such person as may be designated by the Secretary of the Interior.

V. The council shall elect a secretary, who shall receive from the United States an annual salary of $500. He shall transmit a certified copy of the council proceedings to the Secretary of the Interior and to each tribe or nation in the council.

VI. Members of the council shall be paid by the United States $4 a day during actual attendance on its meetings and $4 for every 20 miles of necessary travel in going to and returning therefrom.

13. The United States may establish a court or courts in the Indian Territory, with such organization and jurisdiction as may be established by law, provided that the judicial tribunals of the Cherokee Nation shall retain exclusive jurisdiction in all civil and criminal cases arising within their country in which members of the nation shall be the only parties, or where the cause of action shall arise in the Cherokee Nation, except as otherwise provided in this treaty.

14. Every society or denomination erecting or desiring to erect buildings for missionary or educational purposes shall be entitled to select and occupy for those purposes 160 acres of vacant land in one body.

15. The United States may settle any civilized Indians, friendly with the Cherokees, within the latter's country on unoccupied lands east of 96°, on terms agreed upon between such Indians and the Cherokees, subject to the approval of the President of the United States. If any tribe so settling shall abandon its tribal organization and pay into the Cherokee national fund a sum bearing the same proportion to such fund as said tribe shall in numbers bear to the population of the Cherokee Nation such tribe shall be incorporated into and ever after remain a part of that nation on equal terms with native citizens thereof.

If any tribe so settling shall decide to preserve its tribal organization, laws, customs, and usages not inconsistent with the constitution and laws of the Cherokee Nation, it shall have set apart in compact form for use and occupancy a tract equal to 160 acres for each member of the tribe. Such tribe shall pay for this land a price agreed upon with the Cherokees, subject to the approval of the President of the United States, and in case of disagreement the price to be fixed by the President.

Such tribe shall also pay into the national fund a sum to be agreed upon by the respective parties, not greater in proportion to the whole existing national fund and the probable proceeds of the lands herein ceded or authorized to be ceded or sold than their numbers bear to the whole number of Cherokees, and thereafter they shall enjoy all the rights of native Cherokees.

No Indians without tribal organization, or who having one shall have determined to abandon the same, shall be permitted to settle in the Cherokee country east of 96° without the permission of the proper Cherokee authorities. And no Indians determining to preserve their

tribal organization shall so settle without such consent, unless the President, after a full hearing of the Cherokee objections thereto, shall deem them insufficient and authorize such settlement.

16. The United States may settle friendly Indians on any Cherokee lands west of 96°; such lands to be selected in compact form and to equal in quantity 160 acres for each member of the tribe so settled. Such tribe shall pay therefor a price to be agreed upon with the Cherokees, or, in the event of failure to agree, the price to be fixed by the President. The tract purchased shall be conveyed in fee simple to the tribe so purchasing, to be held in common or allotted in severalty as the United States may decide.

The right of possession and jurisdiction over the Cherokee country west of 96° to abide with the Cherokees until thus sold and occupied.

17. The Cherokee Nation cedes to the United States, in trust to be surveyed, appraised, and sold for the benefit of that nation, the tract of 800,000 acres sold to them by the United States by article 2, treaty of 1835, and the strip of land ceded to the nation by article 4, treaty of 1835, lying within the State of Kansas, and consents that said lands may be included in the limits and jurisdiction of said State. The appraisement shall not average less than $1.25 per acre, exclusive of improvements.

The Secretary of the Interior shall, after due advertisement for sealed bids, sell such lands to the highest bidders for cash in tracts of not exceeding 160 acres each at not less than the appraised value. Settlers having improvements to the value of $50 or more on any of the lands not mineral and occupied for agricultural purposes at the date of the signing of this treaty, shall, after due proof under rules to be prescribed by the Secretary of the Interior, be allowed to purchase at the appraised value the smallest quantity of land to include their improvements, not exceeding 160 acres each.

The expenses of survey and appraisement shall be paid out of the proceeds of the sale of the lands, and nothing herein shall prevent the Secretary of the Interior from selling to any responsible party for cash all of the unoccupied portion of these lands in a body, for not less than $800,000.

18. Any lands owned by the Cherokees in Arkansas or in States east of the Mississippi River may be sold by their national council, upon the approval of the Secretary of the Interior.

19. All Cherokees residing on the ceded lands desiring to remove to the Cherokee country proper shall be paid by the purchasers the appraised value of their improvements. Such Cherokees desiring to remain on the lands so occupied by them shall be entitled to a patent in fee simple for 320 acres each, to include their improvements, and shall thereupon cease to be members of the nation.

20. Whenever the Cherokee national council shall so request, the Secretary of the Interior shall cause the country reserved for the

Cherokees to be surveyed and allotted among them at the expense of the United States.

21. The United States shall at its own expense cause to be run and marked the boundary line between the Cherokee Nation and the States of Arkansas, Missouri, and Kansas as far west as the Arkansas River, by two commissioners, one of whom shall be designated by the Cherokee national council.

22. The Cherokee national council shall have the privilege of appointing an agent to examine the accounts of the nation with the United States, who shall have free access to all the accounts and books in the Executive Departments relating to the business of the Cherokees.

23. All funds due the nation or accruing from the sale of their lands shall be invested in United States registered stocks and the interest paid semi-annually on the order of the Cherokee Nation, and applied to the following purposes: 35 per cent. for the support of the common schools of the nation and educational purposes; 15 per cent. for the orphan fund, and 50 per cent. for general purposes, including salaries of district officers. The Secretary of the Interior, with the approval of the President, may pay out of the funds due the nation, on the order of the national council, an amount necessary to meet outstanding obligations of the Cherokee Nation, not exceeding $150,000.

24. Three thousand dollars shall be paid out of the Cherokee funds to the Rev. Evan Jones, now in poverty and crippled, as a reward for forty years' faithful missionary labors in the nation.

25. All bounty and pay of deceased Cherokee soldiers remaining unclaimed at the expiration of two years shall be paid as the national council may direct, to be applied to the foundation and support of an orphan asylum.

26. The United States guarantee to the Cherokees the quiet and peaceable possession of their country and protection against domestic feuds and insurrection as well as hostilities of other tribes. They shall also be protected from intrusion by all unauthorized citizens of the United States attempting to settle on their lands or reside in their territory. Damages resulting from hostilities among the Indian tribes shall be charged to the tribe beginning the same.

27. The United States shall have the right to establish one or more military posts in the Cherokee Nation. No sutler or other person, except the medical department proper, shall have the right to introduce spirituous, vinous, or malt liquors into the country, and then only for strictly medical purposes. All unauthorized persons are prohibited from coming into or remaining in the Cherokee Nation, and it is the duty of the United States agent to have such persons removed as required by the Indian intercourse laws of the United States.

28. The United States agree to pay for provisions and clothing furnished the army of Appotholehala in the winter of 1861 and 1862 a sum not exceeding $10,000.

29. The United States agree to pay out of the proceeds of sale of Cherokee lands $10,000, or so much thereof as may be necessary, to defray the expenses of the Cherokee delegates and representatives invited to Washington by the United States to conclude this treaty, and also to pay the reasonable costs and expenses of the delegates of the Southern Cherokees.

30. The United States agree to pay not exceeding $20,000 to cover losses sustained by missionaries or missionary societies, in being driven from the Cherokee country by United States agents and on account of property taken and destroyed by United States troops.

31. All provisions of former treaties not inconsistent with this treaty shall continue in force; and nothing herein shall be construed as an acknowledgment by the United States or as a relinquishment by the Cherokee Nation of any claims or demands under the guarantees of former treaties, except as herein expressly provided.

TREATY CONCLUDED APRIL 27, 1868; PROCLAIMED JUNE 10, 1868.[1]

Held at Washington, D. C., between Nathaniel G. Taylor, commissioner on the part of the United States, and the duly authorized delegates of the Cherokee Nation.

MATERIAL PROVISIONS.

This treaty is concluded as a supplemental article to the treaty of July 19, 1866.

After reciting that a contract was entered into August 30, 1866, for the sale of the Cherokee neutral land, between James Harlan, Secretary of the Interior, and the American Emigrant Company; that such contract had been annulled as illegal by O. H. Browning, as Secretary of the Interior, who in turn entered into a contract of sale October 9, 1867, with James F. Joy, for the same lands, it is agreed by this treaty, in order to prevent litigation and to harmonize conflicting interests, as follows, viz: An assignment of the contract of August 30, 1866, with the American Emigrant Company shall be made to James F. Joy. Said contract as hereinafter modified is reaffirmed and declared valid. The contract with James F. Joy of October 9, 1867, shall be relinquished and canceled by said Joy or his attorney. The said first contract, as hereinafter modified, and the assignment thereof, together with the relinquishment of the second contract, are hereby ratified and confirmed whenever such assignment and relinquishment shall be entered of record in the Department of the Interior, and when said Joy shall have accepted such assignment and entered into contract to perform all the obligations of the American Emigrant Company under said first contract as hereinafter modified.

The modifications of said contract are declared to be:

1. Within ten days from the ratification of this treaty, $75,000 shall

[1] United States Statutes at Large, Vol. XVI, p. 727.

be paid to the Secretary of the Interior, as trustee for the Cherokee Nation.

2. The other deferred payments shall be paid when they fall due, with interest only from the ratification hereof.

It is distinctly understood that said Joy shall take only the residue of said lands after securing to "actual settlers" the lands to which they are entitled under the amended seventeenth article of the treaty of July 19, 1866. The proceeds of the sales of such lands so occupied by settlers shall inure to the benefit of the Cherokee Nation.

HISTORICAL DATA.

UNITED STATES DESIRE TO REMOVE INDIANS FROM KANSAS TO INDIAN TERRITORY.

It had for several years been the hope of the Government that so soon as the war was ended arrangements could be perfected whereby concessions of territory could be obtained from the principal Southern tribes. To territory thus acquired it was proposed, after obtaining their consent, to remove the several tribes possessing reservations in Kansas, or at least such of them as were not prepared or willing to dissolve their tribal relations and become citizens of the United States. The fertile and agreeable prairies of that State were being rapidly absorbed by an ever increasing stream of immigration, which gave promise as soon as the war should close and the armies be disbanded of an indefinite increase. The numerous Indian reservations dotting the face of the State in all directions afforded most desirable farming and grazing lands that would soon be needed for this rapidly multiplying white population.

COUNCIL OF SOUTHERN TRIBES AT CAMP NAPOLEON.

It was, therefore, with much gratification that the Secretary of the Interior learned during the month of June, 1865,[1] of the holding of a council at Camp Napoleon, Chattatomha, on the 24th of May preceding, which was attended by representatives of all the southern and southwestern tribes, as well as by the Osages. At this council delegates representing each tribe had been appointed to visit Washington, authorized to enter into treaty negotiations. Before these delegations were ready to start, however, it had been determined by the President to appoint special commissioners, who should proceed to the Indian country and meet them at Fort Smith.

GENERAL COUNCIL AT FORT SMITH.

This commission as constituted consisted of D. N. Cooley, Commissioner of Indian Affairs; Elijah Sells, superintendent of Indian affairs; Thomas Wistar, a leading Quaker; General W. S. Harney, of the United States Army; and Col. E. S. Parker, of General Grant's

[1] Letter of General J. J. Reynolds to Secretary of the Interior, June 28, 1865; printed in report of Commissioner of Indian Affairs for 1865, p. 295.

staff.[1] Proceeding to Fort Smith, the council was convened on the 8th day of September, and was attended by delegates representing the Creeks, Choctaws, Chickasaws, Cherokees, Seminoles, Osages, Senecas, Shawnees, Quapaws, Wyandots, Wichitas, and Comanches. In opening the council the Indians were informed that the commissioners had been sent to ascertain their disposition and feeling toward the United States; that most of them had violated their treaty obligations to the Government and, by entering into diplomatic relations with the so-called Confederate States, had forfeited all right to the protection of the United States and subjected their property to the penalty of confiscation.

They were assured, however, that the Government had no disposition to deal harshly with them. On the contrary, it was desirous of undertaking such measures as would conduce to their happiness, and was especially determined to grant handsome recognition to those of them whose loyalty had been so firmly and consistently manifested in the face of the most cruelly adverse conditions. The council continued in session for thirteen days. On the second day the Indians were informed that the commissioners were empowered to enter into treaties with the several tribes upon the basis of the following propositions:

1. That opposing factions of each tribe must enter into a treaty for permanent peace and amity among themselves; also between each other as tribes, and with the United States.

2. The tribes settled in the "Indian country" should bind themselves at the call of the United States authorities to assist in compelling the wild tribes of the plains to keep the peace.

3. Slavery should be abolished and measures should be taken to incorporate the slaves into the several tribes, with their rights guaranteed.

4. A general stipulation as to the final abolition of slavery.

5. A part of the Indian country should be set apart to be purchased for the use of such Indians from Kansas or elsewhere as the Government should desire to colonize therein.

6. That the policy of the Government to unite all the Indian tribes of this region into one consolidated government should be accepted.

7. That no white persons, except Government employés or officers or employés of internal improvement companies authorized by Government, should be permitted to reside in the country unless incorporated with the several nations.

Reasons for Cherokee disloyalty.—The subsequent sessions of the council were largely taken up in the discussion of these propositions by the representatives of the various tribes. It is only with the conduct of the Cherokees, however, that the present history is concerned. The address of the representatives of the "loyal" portion of this tribe is especially noteworthy in this, that they charged the cause of their alliance with the rebel authorities upon the United States, by reason of the

[1] Report of D. N. Cooley, president of the commission, dated October 30, 1865.

latter having violated its treaty obligations in failing to give them protection, whereby they were *compelled* to enter into treaty relations with the Confederacy. This statement the president of the commission took occasion to traverse, and to assure them of the existence of abundant evidence that their alliance with the Confederacy was voluntary and unnecessary.

Before the close of the council it was ascertained that no final and definite treaties could be made with the tribes represented, for the reason that until the differences between the loyal and disloyal portions could be healed no truly representative delegations of both factions could be assembled in council. Preliminary articles of peace and amity with the different factions of each tribe were prepared and signed as a basis for future negotiations.

Factional hostility among the Cherokees.—The only tribe with whom the commissioners were unsuccessful in re-establishing friendly relations between these factions was the Cherokees.[1]

The ancient feuds between the Ross and Ridge parties were still remembered. Many of the latter who had remained under Stand Watie in the service of the Confederacy until the close of the war were yet debarred from returning to their old homes, and were living in great destitution on the banks of the Red River.[2] When the Ross party had returned to their allegiance, in 1863, their national council had passed an act of confiscation[2] against the Watie faction, which had been enforced with the utmost rigor, so that some five or six thousand members of the tribe had been rendered houseless, homeless, and vagabonds upon the face of the earth. All prospect of securing a reconciliation between these parties was for the time being abandoned by the commissioners, and the proposition was seriously considered of securing a home for Watie and his followers among the Choctaws or Chickasaws.[3]

John Ross not recognized as principal chief.—On the day[4] on which the draft of the proposed preliminary treaty was presented to the council by the commissioners John Ross arrived in the camp of the Cherokees. It had already been determined by the commissioners among themselves that his record had been such as to preclude his recognition by them as principal chief of that nation, and it was believed that his influence was being used to prevent the loyal Cherokees from coming to any amicable arrangement with their Southern brethren.

The chairman therefore read to the council[5] a paper signed by the several commissioners, reciting the machinations and deceptions of John Ross. It was alleged that he did not represent the will and wishes of the loyal Cherokees, and was not the choice of any considerable por-

[1] Report of D. N. Cooley, president of the commission, dated October 30, 1865.

[2] Report of Commissioner of Indian Affairs for 1865, p. 36.

[3] Report of Elijah Sells, superintendent of Indian Affairs, October 16, 1865.

[4] September 13, 1865.

[5] September 15, 1865.

tion of the nation for the office claimed by him, an office which by the Cherokee law the commissioners believed he did not in fact hold. They therefore refused, as commissioners representing the interests of the United States, to recognize Ross in any manner as the chief of the Cherokee Nation.

Loyal Cherokees will sign treaty conditionally.—At the same sitting of the council, Colonel Reese, of the loyal Cherokee delegation, declared that they were willing to sign the proposed treaty, but in so doing would not acknowledge that they had forfeited their rights and privileges to annuities and lands as set forth in the preamble, but that their signatures must be made under the following statement, viz: "We, the loyal delegation, acknowledge the execution of the treaty of October 7, 1861, but we solemnly declare that the execution was procured by the coercion of the rebel army."

Southern Cherokees will sign treaty conditionally.—On the following day[1] the credentials of the Southern Cherokees were presented by E. C. Boudinot, accompanied by the statement that they cordially acceded to the 1st, 2d, 4th, 5th, and 7th propositions of the commissioners without qualification; that they accepted the abolition of slavery as an accomplished fact, and were willing to give such fact legal significance by appropriate acts of council. They insisted, however, that it would neither be for the benefit of the emancipated negro nor for that of the Indian to incorporate the former into the tribe on an equal footing with its original members. They were also opposed to the policy of consolidating all the tribes in the Indian Territory under one government, because of the many incongruous and irreconcilable elements which no power could bring into a semblance of assimilation.[2]

Southern Cherokees want a division of territory.—They had already proffered and were willing again to proffer the olive-branch of peace and reconciliation to their brethren of the so called loyal portion of the nation, but respectfully urged that after all the blood that had been shed and the intense bitterness that seemed to fill the bosoms of their brethren they ought not to be expected to live in an undivided country. They wished peace, and they believed they could have it in no other way than by an equitable division of the Cherokee country in such manner as should seem most appropriate to the United States.

Statement by John Ross.—The delegation of loyal Cherokees at the next session of the council[3] presented their exceptions to the action of the commissioners in declining to recognize John Ross and that gentleman was permitted to make a statement in his own behalf. The constantly accumulating evidence against him was such, however, as to more fully confirm the commissioners in the propriety of their previous action.

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[1] September 16, 1865.

[2] This objection to consolidation was afterwards withdrawn, and, based upon fuller information of the proposed plan, was most fully concurred in.

[3] September 18, 1865.

On the 21st of September the council adjourned, to meet again at the call of the Secretary of the Interior.

CONFERENCE AT WASHINGTON, D. C.

Early in 1866, in accordance with the understanding had at the adjournment of the Fort Smith council, delegations representing both factions of the Cherokees proceeded to Washington for the purpose of concluding some definite articles of agreement with the United States. They were represented by eminent counsel in the persons of General Thomas Ewing for the loyal and Hon. D. W. Voorhees for the Southern element. Many joint interviews and discussions were held in the presence of Commissioners Cooley, Parker, and Sells, but without any hopeful results. The bitterness exhibited in these discussions upon both sides gave but little promise that enmities of more than twenty years' standing could be subordinated to the demands of a peaceful and harmonious government. The Southern element, which numbered about sixty-five hundred, constituted but a minority of the whole nation. These, with the exception of perhaps two hundred, were still living in banishment among the Choctaws and Chickasaws, and felt it would be unsafe to return to their old homes with the Ross party in full possession of the machinery of government and ready to apply with severest rigor the enginery of their confiscation law. Their representatives were therefore instructed to demand, as the only hope for their future peace and happiness, a division of the Cherokee lands and funds in proportion to their numbers between the two contending parties.[1] On the other hand, the representatives of the Ross or loyal party insisted that there was no good reason existing why the Southern element should be unable to dwell harmoniously with them in the same country and under the same laws, which they asserted always had been and always would be impartially and justly administered, so far as they were concerned.

A just feeling of national pride would always forbid their consent to any scheme against the integrity and unity of the whole Cherokee Nation. But, while they were thus on principle compelled to antagonize the demand of the Southern faction, yet if that element felt the impossibility of living comfortably in the midst of their loyal brethren the latter were willing that the portion of their national domain known as the Canadian district should be devoted to their sole occupation and settlement for a period of two years or until the President of the United States should deem it inadvisable to longer continue such exclusiveness.[2] To this again the Southern Cherokees refused assent,

[1] Statement of Southern delegation at an interview held with Commissioners Cooley and Sells, March 30, 1866. They also proposed that a census be taken and each man be allowed to decide whether or not he would live under the jurisdiction of the Ross party.

[2] Statement of loyal delegation at interview held with Commissioners Cooley and Sells, March 30, 1866.

because of the insufficient area of the Canadian district, and because they were unwilling to trust themselves under the jurisdiction of their enemies' laws and courts.

Factious conduct of both parties.—Each faction was desirous of making a treaty with the Government, and each was fearful lest the United States should recognize the other as the proper party with which to conclude that treaty. The United States officials were convinced that the Ross party represented the rightfully constituted authorities of the nation, and their delegates were thus the only really authorized persons with whom a treaty could with strict propriety be made. But they were also convinced that it would be highly improper to conclude any treaty which should leave the Southern Cherokees in any degree subject to the malice and revengeful disposition of their enemies. It was the desire of the United States to secure from the Cherokees a cession of sufficient land upon which to colonize the Indian tribes then resident in Kansas. The Southern party therefore agreed to cede for that purpose all of the Cherokee domain west of 96° west longitude, and to sell the "neutral land" for the sum of $500,000, provided the Government would treat with them. The loyal party, however, refused to cede any territory for purposes of colonization east of 97° west longitude, and demanded $1,000,000 for the "neutral land," at the same time assuming that the United States had no right or authority to entertain any proposition from any other source whatever involving the disposition of the domain or funds of the Cherokee Nation.[1]

Interviews, consultations, and discussions followed each other in rapid succession, covering a period of several months, with no apparent approach toward a final agreement.

Treaty concluded with Southern Cherokees.—At length the United States commissioners despairing of success with the loyal element, concluded a treaty with the Southern party.[2]

Among other things, this treaty provided that a quantity of land equal to 160 acres for every man, woman, and child, including the freedmen belonging to the Southern party, and also for each North Carolina Cherokee who should, within one year, remove and join them, should be set apart in that portion of their territory known as the Canadian district, for their sole use and occupancy. In case this district should afford an insufficient area of land, there should be added a further tract extending northward and lying between Grand River and the Creek boundary, and still further northward and westward between that river and the line of 95° 30′ west longitude, or a line as far west if necessary as 96° west longitude, until the necessary complement of land, based upon a census of their people, should be secured. It was further agreed that the Southern Cherokees should have exclusive

[1] Sundry interviews between Commissioners Cooley and Sells and the loyal and Southern delegations, from March to June, 1866.

[2] June 13, 1865.

jurisdiction and control in the Canadian district, southwest of the Arkansas River, and of all that tract of country lying northeast of the Arkansas River and bounded on the east by Grand River, north by the line of 36° 30′ north latitude, and west by 96° of west longitude and the Creek reservation. In consideration of these things, the Southern Cherokees ceded absolutely to the United States all other Cherokee lands owned by them, at such price as should be agreed upon by the respective parties, whenever the Northern or loyal Cherokees should agree with the United States to sell the same. The sale of the "neutral land" was provided for at a sum per acre to be fixed by the President, which should amount in the aggregate to not less than $500,000. In all future negotiations with the United States, as in the past, but one Cherokee Nation should be recognized, but each of the two parties or divisions should be represented by delegates in proportion to their respective numbers. All moneys due the nation should be divided between the parties in the same proportion, and whenever the state of feeling throughout the nation should become such as by their own desire to render a complete and harmonious reunion of the two factions practicable, the United States would consent to the accomplishment of such a measure.

This treaty was duly signed, witnessed, and transmitted through the Secretary of the Interior to the President for submission to the Senate of the United States. The President retained it for more than a month, when, upon the conclusion of a treaty under date of July 19, 1866,[1] with the loyal Cherokees, he returned the former to the commissioners at the time he transmitted the latter instrument to the Senate for the advice and consent of that body to its ratification.

Treaty concluded with loyal Cherokees.—The treaty of July 19, though not filling the full measure of desire on the part of the United States, and though not thoroughly satisfactory in its terms to either of the discordant Cherokee elements, was the best compromise that could be effected under the circumstances, and was ratified and proclaimed August 11, 1866. It is unnecessary to recite its provisions here, as a full abstract of them has been given in the preceding pages. Nine days prior to its conclusion the Secretary of the Interior addressed a communication to Commissioner Cooley, who was president of the board of treaty commissioners, reminding him of their action the preceding fall at Fort Smith in suspending John Ross from his functions as principal chief, suggesting that the reasons rendering that action necessary at the time no longer existed, and giving his consent, in case the commissioners should feel so inclined, to the immediate recognition of Ross in that capacity.

Death of John Ross.—The old man was at this time unable, by reason of illness, to participate in the deliberations concerning the new treaty,[2]

[1] United States Statutes at Large, Vol. XIV, p. 799.

[2] See preamble to treaty of July 19, 1866.

and within a few days thereafter he died. He was in many respects a remarkable man. Though of Scotch-Indian parentage he was the champion of the full-blood as against the mixed-blood members of the nation, and for nearly half a century had been a prominent figure in all the important affairs of the Cherokee Nation. Notwithstanding his many opportunities for immense gains he seems to have died a poor man and his family were left without the necessaries of life. His sixty slaves, and everything he possessed in the way of houses, stock, and other like property, were swept away during the war.[1]

CESSION AND SALE OF CHEROKEE STRIP AND NEUTRAL LANDS.

The seventeenth article of the treaty of July 19, 1866, ceded to the United States, in trust to be disposed of for the benefit of the Cherokees, both the tract known as the "neutral land," previously alluded to, and that known as the "Cherokee strip." The latter was a narrow strip, extending from the Neosho River west to the western limit of the Cherokee lands. The Cherokee domain, as described in the treaty of 1835, extended northward to the south line of the Osage lands. When the State of Kansas was admitted to the Union its south boundary was made coincident with the thirty-seventh degree of north latitude, which was found to run a short distance to the southward of the southern Osage boundary, thus leaving the narrow "strip" of Cherokee lands within the boundaries of that State.

The proviso of the seventeenth article just mentioned required that the lands therein ceded should be surveyed, after the manner of surveying the public lands of the United States, and should be appraised by two commissioners, one of whom should be appointed by the United States and the other by the Cherokee Nation, such appraisement not to average less than $1.25 per acre. After such appraisement, the lands were to be sold under the direction of the Secretary of the Interior on sealed bids, in tracts of not exceeding 160 acres each, for cash, with the proviso that nothing should forbid the sale, if deemed for the best interests of the Indians, of the entire tract of "neutral land" (except the por-

[1] John Ross, or Kooeskoowe, was of mixed Scotch and Indian blood on both father's and mother's side. His maternal grandfather was John Stuart, who for many years prior to the Revolutionary war was British superintendent of Indian affairs for the southern tribes and who married a Cherokee woman. He was born about 1790 in that portion of the Cherokee Nation within the present limits of Georgia, and died in Washington, D. C., August 1, 1866. As early as 1813 Ross made a trip to the Cherokee country west of the Mississippi, ascending the Arkansas River to the present limits of Indian Territory, and wrote a detailed account of the situation and prospects of his brethren, the character of the country, etc. In 1820 (and perhaps earlier) he had become president of the Cherokee national committee, and continued so until the adoption of a constitution by the Cherokee Nation, July 26, 1827. Of this constitutional convention Mr. Ross was the president, and under its operation he was elected principal chief, a position which he continued to hold until his death.

tion occupied by actual settlers) in one body to any responsible party for cash for a sum not less than $800,000. An exception was made as to the lands which were occupied by bona fide white settlers at the date of the signing of the treaty, who were allowed the privilege of purchasing at the appraised value, exclusive of their improvements, in quantities of not exceeding 160 acres each, to include such improvements.

The language of this seventeenth article being somewhat obscure and subject to different interpretations as to the actual intent concerning the method of disposing of the "Cherokee strip," no action was taken toward its survey and sale until the year 1872, when by an act of Congress[1] provision was made for the appraisal of that portion of it lying east of Arkansas River at not less than $2 per acre, and the portion west of that river at not less than $1.50 per acre. Further provision was also made, by the same act, for its disposal on certain conditions to actual settlers, and any portion not being rendered amenable to these conditions was to be sold on sealed bids at not less than the minimum price fixed by the act. A considerable quantity of the most fertile portion of the tract was thus disposed of to actual settlers, though, as an encouragement to the sale, Congress was induced to pass an act[2] extending the limit of payment required of settlers to January 1, 1875. The price fixed by the act of 1872 being so high as to render the remainder of the land unattractive to settlers, a subsequent act of Congress[3] directed that all unsold portions of the said tract should be offered through the General Land Office to settlers at $1.25 per acre, for the period of one year, and that all land remaining unsold at the expiration of that period should be sold for cash at not less than $1 per acre. This act was conditional upon the approval of the Cherokee national council, which assent was promptly given, and the lands were disposed of under its provisions.

Shortly after the ratification of the treaty of 1866 steps were taken toward a disposition of the "neutral lands." Under date of August 30 of that year Hon. James Harlan, Secretary of the Interior, entered into a contract with a corporation known as the American Emigrant Company, whereby that company became the purchaser, subject to the limitations and restrictions set forth in the seventeenth article of the treaty, of the whole tract of neutral land at the price of $1 per acre, payable in installments, running through a period of several years. This contract was subsequently declared invalid[4] by Hon. O. H. Browning, the successor of Secretary Harlan, on the score that the proviso "for cash," contained in the treaty of 1866, in the common business acceptation of the term, meant a payment of the purchase price in full by the

[1] May 11, 1872. United States Statutes at Large, Vol. XVII, p. 98.
[2] April 29, 1874. United States Statutes at Large, Vol. XVIII, p. 41.
[3] February 28, 1877. United States Statutes at Large, Vol. XIX, p. 265.
[4] See treaty of April 27, 1868. United States Statutes at Large, Vol. XVI, p. 727.

purchaser at the time of the sale, and was intended to forbid any sale on deferred payments.

In the following spring[1] an agreement was entered into between the Cherokee authorities and the Atlantic and Pacific Railway Company, which involved a modification of the seventeenth article of the treaty of 1866, and engaged to sell the "neutral lands" to that company on credit. This agreement was submitted by the Commissioner of Indian Affairs to the Secretary of the Interior for transmission through the President to the Senate for ratification as an amended article to the treaty of July 19, 1866, but did not meet with favorable action. Subsequently[2] the Secretary of the Interior entered into an agreement with James F. Joy, of Detroit, Mich., whereby the latter became the purchaser of all that portion of the "neutral land" not subject to the rights of actual settlers, at the price of $1 per acre in cash. Difficulties having arisen by reason of the conflicting claims of the different would-be purchasers, it was finally deemed judicious to obviate them by concluding a supplemental article to the treaty of 1866. This was accordingly done, at Washington, on the 27th of April, 1868, and the same was ratified and proclaimed on the 10th of June following.[3] This supplemental treaty provided for the assignment by the American Emigrant Company to James F. Joy of its contract of August 30, 1866. It was further stipulated that that contract, in a modified form, should be reaffirmed and declared valid, and that the contract entered into with James F. Joy on the 9th of October, 1867, should be relinquished and canceled. Furthermore, it was agreed that the first contract, as modified, and the assignment to Joy, together with the relinquishment of the second contract, should be considered ratified and confirmed whenever such assignment and relinquishment should be entered of record in the Department of the Interior and when James F. Joy should have accepted such assignment and entered into a contract with the Secretary of the Interior to assume and perform all the obligations of the American Emigrant Company under the first mentioned contract as modified.

The assignment of their contract with Secretary Harlan by the American Emigrant Company to James F. Joy was made on the 6th of June, 1868. The contract of October 9, 1867, between Secretary Browning and James F. Joy was relinquished by the latter June 8, 1868, and on the same day a new contract was entered into with Joy accepting the assignment of the American Emigrant Company and undertaking to assume and perform all the obligations of the original contractor thereunder, subject to the modifications prescribed in the supplemental treaty of April 27, 1868.[4]

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[1] See report of Commissioner of Indian Affairs to Secretary of Interior, March 1, 1867, transmitting the agreement.

[2] October 9, 1867.

[3] United States Statutes at Large, Vol. XVI, p. 727.

[4] See Indian Office records.

The requirement of the treaty of 1866 as to the appraisal of the neutral lands was carried into effect by the appointment of John T. Cox, on behalf of the United States, and of William A. Phillips, on behalf of the Cherokees, as commissioners of appraisal. From their report as corrected it is ascertained that the quantity awarded to settlers was 154,395.12[1] acres; quantity purchased by Joy under his contract, 640,199.69 acres. A portion of the lands awarded to settlers, but upon which default was made in payment, and amounting to 3,231.21[2] acres, was advertised and sold on sealed bids to the highest bidders.[3] A small portion[4] of the tract was also absorbed by the claims of Cherokees who were settled thereon. The entire area of the neutral lands, as shown by the plats of survey, was 799,614.72 acres.

APPRAISAL OF CONFISCATED PROPERTY—CENSUS.

In pursuance of the third article of the treaty of 1866, and in accordance with the terms of an act of Congress approved July 27, 1868,[5] H. R. Kretschmar, on behalf of the United States, and —— Stephens, on behalf of the Cherokee Nation, were appointed, in the summer of 1868,[6] commissioners to appraise the cost of property and improvements on farms confiscated and sold by the Cherokee Nation from acts growing out of the Southern rebellion. J. J. Humphreys had been appointed May 21 of the preceding year to perform the same duties, but had not fulfilled the object of his instructions. The commission reported[7] the value of the improvements of the character referred to as $4,657.

Mr. H. Tompkins was designated in the summer of 1867[8] to take the census of Cherokees in the Indian Territory contemplated by the twelfth article of the treaty of 1866. From his returns it appears that the nation then numbered 13,566 souls.

NEW TREATY CONCLUDED BUT NEVER RATIFIED.

During the two years following the conclusion of the treaty of 1866 peace and quietude prevailed among the Cherokees. They were blessed with abundant crops and the bitter animosities of the past years became greatly softened, insomuch that the Secretary of the Interior, in the spring of 1868,[9] under the authority of the President, directed that negotiations be opened with them for a new treaty in compliance with their request.[10] Articles of agreement were accordingly entered into

[1] See report of Commissioner Indian Affairs for 1870, p. 376.
[2] See report of Commissioner Indian Affairs for 1871, p. 671
[3] August 11, 1871.
[4] 5,019.91 acres.
[5] United States Statutes at Large, Vol. XV, p. 222.
[6] August 27, 1868.
[7] December 23, 1868.
[8] July 6, 1867.
[9] March 3, 1868.
[10] February 26, 1868.

on the 9th of July, 1868,[1] between N. G. Taylor, commissioner on behalf of the United States, and the principal chiefs and delegates representing the Cherokee Nation. The reasons rendering this treaty both desirable and necessary are thus set forth in the preamble, viz:

Whereas the feuds and dissensions which for many years divided the Cherokees and retarded their progress and civilization have ceased to exist, and there remains no longer any cause for maintaining the political divisions and distinctions contemplated by the treaty of 19th July, 1866; and whereas the whole Cherokee people are now united in peace and friendship, and are earnestly desirous of preserving and perpetuating the harmony and unity prevailing among them; and whereas many of the provisions of said treaty of July 19, 1866, are so obscure and ambiguous as to render their true intent and meaning on important points difficult to define and impossible to execute and may become a fruitful source of conflict not only amongst the Cherokees themselves but between the authorities of the United States and the Cherokee Nation and citizens; and whereas important interests remain unsettled between the Government of the United States and the Cherokee Nation and its citizens, which in justice to all concerned ought to be speedily adjusted: Therefore, with a view to the preservation of that harmony which now so happily subsists among the Cherokees, and to the adjustment of all unsettled business growing out of treaty stipulations between the Cherokee Nation and the Government of the United States, it is mutually agreed by the parties to this treaty as follows, etc.

Among the more important objects sought to be accomplished, and for which provision was made in the treaty, were:

1. The abolition of all party distinctions among the Cherokees and the abrogation of all laws or treaty provisions tending to preserve such distinctions.

2. The boundaries of the Cherokee country are defined in detail and as extending as far west as the northeast corner of New Mexico.

3. The United States reaffirm all obligations to the Cherokees arising out of treaty stipulations or legislative acts of the Government.

4. The United States having by article 2 of the treaty with the Comanches and Kiowas of October 18, 1865, set apart for their use and occupation and that of other friendly tribes that portion of the Cherokee domain lying west of 98° W. longitude and south of 37° N. latitude; and having further, by article 16 of Cherokee treaty of July 19, 1866, set apart in effect for the like purpose of settling friendly Indians thereon all the remaining Cherokee domain west of 96° W. longitude, agree to pay to the Cherokees therefor, including the tract known as the "Cherokee strip," in the State of Kansas, and estimated to contain in the aggregate the quantity of 13,768,000 acres, the sum of $3,500,000. This agreement was accompanied with the proviso that the Cherokees should further relinquish to the United States all right and interest in and to that portion of the Cherokee "outlet" embraced within the Pan Handle of Texas, containing about 3,000,000 acres, as well as that portion within New Mexico and Colorado, excepting and reserving, however, all salines west of 99° to the Cherokees.

5. The United States agree to refund to the Cherokees the sum of

[1] See document "Fortieth Congress, second session — confidential — Executive 3 P."

$500,000 paid by the latter for the tract of "neutral land," under the treaty of 1835, together with 5 per cent. interest from the date of that treaty, and to apply for the use and benefit of the former all moneys accruing from the sale of that tract.

6. The United States agree to ascertain the number of acres of land reserved and owned by the Cherokee Nation in the State of Arkansas, and in States east of the Mississippi River, and to pay to the Cherokees the appraised value thereof.

7. The United States agree to pay all arrears of Cherokee annuities accruing during the war and remaining unpaid.

8. Citizens of the United States having become citizens of the Cherokee Nation, shall not be held to answer before any court of the United States any further than if they were native-born Cherokees. All Cherokees shall be held to answer for any offense committed among themselves within the Cherokee Nation only to the courts of that nation, and for any offense committed without the limits of the nation shall be answerable only in the courts of the United States.

9. The post and reservation of Fort Gibson having been reoccupied by the United States, it is agreed that all Cherokees who purchased lots at the former sale of the military reserve by the Cherokee authorities, after its abandonment by the United States, shall be reimbursed for all losses occasioned by such military reoccupation.

10. The United States shall continue to appoint a superintendent of Indian affairs for the Indian Territory and an agent for the Cherokees.

11. A commission of three persons (two citizens of the United States and one Cherokee) shall be appointed to pass upon and adjudicate all claims of the Cherokee Nation, or its citizens, against the United States, or any of the several States.

12. The powers of the agent provided for by the twenty-second article of the treaty of 1866 to examine the accounts of the Cherokee Nation with the United States are enlarged to include the accounts of individual Cherokees with the United States.

13. All claims against the United States for Cherokee losses through the action of the military authorities of the United States, or from the neglect of the latter to afford the protection to the Cherokees guaranteed by treaty stipulation, are to be examined and reported on by the commission appointed under the eleventh article of this treaty.

14. Full faith and credit shall be given by the United States to the public acts, records, and judicial proceedings of the Cherokee Nation when properly authenticated.

15. Cherokees east of the Mississippi River, who remove within three years to the Cherokee Nation, shall be entitled to all the privileges of citizens thereof. After that date they can only be admitted to citizenship by act of the Cherokee national council.

16. Every Cherokee shall have the free right to sell, ship, or drive to market any of his produce, wares, or live stock without taxation by the

United States, or any State, and no license to trade in the Cherokee Nation shall be granted unless approved by the Cherokee council.

17. Fifty thousand dollars shall be allowed for the expenses of the Cherokee delegation in negotiating this treaty, one half to be paid out of their national fund.

18. Executors and administrators of the owners of confiscated property shall have the right, under the third article of the treaty of 1866, to take possession of such property.

19. Twenty-four thousand dollars shall be paid by the Cherokee Nation to the heir of Bluford West, as the value of a saline and improvements of which he was dispossessed.

20. Abrogation is declared of so much of article 7, treaty of 1866, as vests in United States courts jurisdiction of causes arising between citizens of the Cherokee Nation, and transfers such jurisdiction to the Cherokee courts.

21. Provision of the treaty of 1866 relative to freedmen is reaffirmed; the United States guarantee the Cherokees in the possession of their lands and protection from domestic strife, hostile invasions, and aggressions by other Indian tribes or lawless whites.

BOUNDARIES OF THE CHEROKEE DOMAIN.

During the proceedings incident to the negotiation of this treaty the question arose as to what constituted the proper western limit of the Cherokee country.

The Cherokees themselves claimed that their territory extended at least as far west as 103° west longitude, being the northeast corner of New Mexico. Their claim was based in part upon the second article of the treaty of 1828,[1] the first article of the treaty of 1833,[2] the second article of the treaty of 1835,[3] and the first article of the treaty of 1846.[4]

The treaty of 1828 guaranteed to the Cherokees seven millions of acres of land, and then declared in the following words: "In addition to the seven millions of acres thus provided for, and bounded, the United States further guarantee to the Cherokee Nation a perpetual outlet west, and a free and unmolested use of all the country lying west of the western boundary of the above described limits, and as far west as the sovereignty of the United States and their right of soil extend."

This guarantee was reaffirmed in similar language by the treaties of 1833 and 1835, and the guaranty contained in the treaty of 1835 was reaffirmed by the treaty of 1846. The question, therefore, to be determined was what constituted the extreme western limit of the sovereignty of the United States in that vicinity.

The colony or province of Louisiana had originally belonged to France.

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[1] United States Statutes at Large, Vol. VII, p. 311.

[2] Ibid., p. 414.

[3] Ibid., p. 478.

[4] United States Statutes at Large, Vol. IX, p. 871.

In 1762 it was transferred to Spain, but was by Spain retroceded to France by the treaty of 1800. In 1803 the Emperor Napoleon, fearing a war with England and the consequent occupation of the territory by that power, ceded it to the United States, but the boundaries of the cession were very indefinite and, according to Chief Justice Marshall, were couched in terms of "studied ambiguity."

It seems to have been consistently claimed by the United States up to the treaty of 1819 with Spain that the western boundary of the Louisiana purchase extended to the Rio Grande River. The better opinion seemed also to be that it followed up the Rio Grande from the mouth to the mouth of the Pecos, and thence north. By that treaty, however, all dispute concerning boundaries was adjusted and the undefined boundary between Louisiana and Mexico was settled as following up the course of the Sabine River to the Red River; thence by the course of that river to the one hundredth meridian, thence north to the Arkansas River and following the course of that river to the forty-second parallel, and thence west to the Pacific Ocean. By many the position was taken that this treaty was a *nudum pactum*, and Henry Clay, when it was under consideration in the Senate, introduced a resolution into the House of Representatives declaring that Texas, being a part of the territory of the United States, could not be ceded by the treaty making power to a foreign country, and that the act was not only unauthorized by the Constitution but was void for another reason, viz, that this cession to Spain was in direct conflict with clear and positive stipulations made by us in the treaty with France as to the disposition of the whole territory. Under this theory of the invalidity of the treaty of 1819 the Cherokees claimed the extension of their boundary west of the one hundredth meridian. But, assuming the insufficiency of this claim, they still fortified their title upon another proposition. Mexico succeeded, by the consummation of her independence, to all the territorial rights of Spain in this region. Texas in turn achieved her independence of Mexico in 1836. In March, 1845, Texas became one of the United States, and thus, according to the Cherokee assumption, "the United States again came into possession of that portion of the outlet west of 100°, if indeed it had ever been a part of the territory claimed by Mexico and which by Texan independence she was forced to relinquish. The United States, more than a year after she had come into possession of the country now claimed by the Cherokees, reaffirmed the grant to them, that is to say, by the treaty of August 17, 1846."

The "portion of the outlet west of 100°" here alluded to is the strip of country lying between Kansas and Texas from north to south and between the 100° and New Mexico from east to west. By act of Congress of September 9, 1850,[1] the east boundary of New Mexico was fixed at 103° west longitude and the north boundary of Texas at 36°

[1] United States Statutes at Large, Vol. IX, p. 446.

30′ north latitude, and by act of May 30, 1854,[1] the south boundary of Kansas was established at 37° north latitude, thus leaving this strip of country outside the limits of any organized State or Territory, and so it still remains. This claim of the Cherokees was admitted by the Commissioner of Indian Affairs at the time of the conclusion of the treaty of July 9, 1868, to be a valid one, and was inserted in the boundaries defined by that treaty. The treaty, however, failed of ratification, and it was afterwards determined by the executive authorities of the United States that at the date of the treaty of 1835 with the Cherokees the sovereignty of the United States extended only to the one hundredth meridian, and that the reaffirmation of the treaty guarantee of 1835 by subsequent treaties was not intended to enlarge the area of their territory, but simply as an assurance that the United States were fully conscious of their obligation to maintain the integrity of such guarantee. Consequently the Cherokee outlet was limited in its western protraction to that meridian.

DELAWARES, MUNSEES, AND SHAWNEES JOIN THE CHEROKEES.

By the fifteenth article of the treaty of 1866 provision was made that, upon certain conditions, the United States should have the right to settle civilized Indians upon any unoccupied Cherokee territory east of 96° west longitude. The material conditions limiting this right were that terms of settlement should be agreed upon between the Cherokees and the Indians so desiring to settle, subject to the approval of the President of the United States; also that, in case the immigrants desired to abandon their tribal relations and become citizens of the Cherokee Nation, they should first pay into the Cherokee national fund a sum of money which should sustain the same proportion to that fund that the number of immigrant Indians should sustain to the whole Cherokee population. If, on the other hand, the immigrants should decide to preserve their tribal relations, laws, customs, and usages not inconsistent with the constitution and laws of the Cherokee Nation, a tract of land was to be set apart for them by metes and bounds which should contain, if they so desired, a quantity equal to 160 acres for each soul. For this land they were to pay into the Cherokee national fund a sum to be agreed upon between themselves and the Cherokees, subject to the approval of the President, and also a sum bearing a ratio to the Cherokee national fund not greater than their numbers bore to the Cherokees. It was also stipulated that, if the Cherokees should refuse their assent to the location of any civilized tribe (in a tribal capacity) east of 96°, the President of the United States might, after a full hearing of the case, overrule their objections and permit the settlement to be made.

The Delawares were the first tribe to avail themselves of the benefits of the foregoing treaty provisions. Terms of agreement were entered

[1] United States Statutes at Large, Vol. X, p. 283.

into between them and the Cherokees, which were ratified by the President on the 11th of April, 1867. Under the conditions of this instrument the Delawares selected a tract of land equal to 160 acres for each member of their tribe who should remove to the Cherokee country. For this tract they agreed to and did pay one dollar per acre. They also paid their required proportional sum into the Cherokee national fund. The number of Delawares who elected to remove under this agreement was 985. The sums they were required to pay were: for land, $157,600; and as their proportion of the national fund, $121,834.65, the latter amount having been calculated on the basis of an existing Cherokee national fund of $1,678,000 and a population of 13,566.[1]

For a time after their removal the Delawares were much dissatisfied with what they characterized as the unequal operation of the Cherokee laws, and because much of the tract of land to which they were assigned was of an inferior character. At one time some two hundred of them left the Cherokee country, but after an absence of two years returned, since which a feeling of better contentment has prevailed. Following the Delawares, the Munsee or Christian Indians, a small fragmentary band who under the treaty of July 16, 1859, had become confederated with the Chippewas of Saginaw, Swan Creek, and Black River, residing in Kansas, perfected arrangements for their removal and assimilation with the Cherokees.

An agreement was entered into[2] at Tahlequah, Cherokee Nation, having this end in view, and which was duly filed with the Commissioner of Indian Affairs.[3] The condition of this agreement was that, after the complete dissolution of their relations with the Chippewas, the Munsees should pay into the Cherokee national fund all moneys that should be found due them in pursuance of such separation. In the spring of 1868 an effort was made by the Commissioner of Indian Affairs, under the authority of this same article of the treaty of 1866, to secure a tract of 900,000 acres for the location of the Navajoes. This tract, it was desired, should be so far east of 96° that sufficient room should be left between the Navajoes and that meridian to admit of the accommodation of a settlement of Cherokees thereon. This proposition, however, the Cherokees refused to entertain, asserting that the Navajoes were not civilized Indians within the meaning of the treaty of 1866.[4]

The next Indians to avail themselves of the privileges of Cherokee citizenship were the Shawnees. By the treaty of 1825[5] a reserve had been granted them covering an area in the richest portion of what is now

[1] Indian Office records.

[2] December 6, 1867.

[3] July 31, 1868.

[4] Letter of Cherokee delegation to Commissioner of Indian Affairs, April 23, 1868.

[5] Treaty of November 7, 1825, in United States Statutes at Large, Vol. VII, p. 284.

the State of Kansas 50 by 120 miles in extent. By a subsequent treaty in 1854,[1] they ceded, in deference to the demands of encroaching civilization, all of this immense tract except 200,000 acres. Among those who so elected, the greater portion of this diminished reserve was divided into individual allotments of 200 acres each. Patents were issued to the head of each family for the quantity thus allotted to the members of his or her family, with the power of alienation, subject to such restrictions as the Secretary of the Interior might prescribe. In course of time alienation was made by these allottees of the greater portion of their land; the money thus received was squandered with the thriftless prodigality that characterizes barbarous or semi-civilized tribes the world over, and their impoverished condition was rendered still more uncomfortable by the seeming determination of the rapidly increasing white settlers to take possession of their few remaining lands. In this unfortunate condition of affairs they turned their eyes for relief toward the country of the Cherokees. Negotiations were entered into which resulted in the conclusion of an agreement, under date of June 7, 1869, and which received the approval of President Grant two days later. By the terms of this compact, the Shawnees then residing in Kansas, as well as their absentee brethren in the Indian Territory and elsewhere, who should enroll themselves and permanently remove within two years to the Cherokee country, upon unoccupied lands east of 96°, should be incorporated into, and ever after remain a part of the Cherokee Nation, with the same standing in every respect as native Cherokees. In consideration of these benefits the Shawnees agreed to transfer to the Cherokee national fund a permanent annuity of $5,000 held by them under previous treaties, in addition to the sum of $50,000 to be derived from the sale of the absentee Shawnee lands provided for by the resolution of Congress approved April 7, 1869.[2] Under the provisions of this agreement, seven hundred and seventy Shawnees removed to and settled in the Cherokee country, as shown by the census roll filed[3] with the Commissioner of Indian Affairs.

FRIENDLY TRIBES TO BE LOCATED ON CHEROKEE LANDS WEST OF 96°.

In addition to the provision contained in the treaty of 1866 concerning the location of *civilized* Indians east of 96°, the sixteenth article of that treaty made further provison enabling the United States to locate *friendly* tribes on Cherokee lands west of that meridian. The conditions of this concession were that any tracts selected for such location should be in compact form and in quantity not exceeding 160 acres for each member of the tribe so located, and that the boundaries of the tracts should be surveyed and marked and should be conveyed in fee simple to the tribes respectively located thereon. It was further

[1] Treaty of May 10, 1854, in United States Statutes at Large, Vol. X, p. 1053.

[2] United States Statutes at Large, Vol. XVI, p. 53.

[3] August 14, 1871.

stipulated that the price to be paid for the lands so set apart should be such as might be agreed upon between the Cherokees and the immigrant tribes, subject to the approval of the President of the United States, who, in case of a disagreement between the parties in interest, was authorized to fix the value.

Osages.—The treaty of September 29, 1865,[1] with the Osages, having in view the possibility of some early arrangement whereby the Kansas tribes might be removed to Indian Territory, made provision that in case such a removal of the Osages should take place their remaining lands in Kansas should be disposed of and 50 per cent. of the proceeds might be applied to the purchase of their new home. Nothing was done in the line of carrying out this idea until the spring of 1868, when, in reply[2] to a communication from the Commissioner of Indian Affairs on the subject, the Cherokee delegation asserted the willingness of their nation to dispose of a tract for the future home of the Osages not exceeding 600,000 acres in extent and lying west of 96°, provided a reasonable price could be agreed upon for the same. A few weeks later[3] a treaty was concluded between the United States and the Osages, which made provision for setting apart a tract for their occupation in the district of country in question, but the treaty failed of ratification. The necessity for their removal from Kansas, however, increased in correspondence with the demands of advancing settlements, and Congress, by an act approved July 15, 1870,[4] provided that, whenever the Osages should give their assent, a tract should be set apart for their permanent occupancy in the Indian Territory equal in extent to 160 acres for each member of the tribe who should remove there. For this tract they were to pay a price not exceeding that paid by the United States, the cost to be defrayed out of the proceeds arising from the sale of their Kansas lands. The assent of the Osages to the provisions of this act was promptly secured through the medium of a commission consisting of J. V. Farwell, J. D. Lang, and Vincent Colyer, of the President's Board of Indian Commissioners. A tract was selected in the Cherokee country immediately west of 96°, as was supposed, and the Osages were removed to it. Their condition was for a time, however, most unsatisfactory. Many trespassers were found to be upon the lands selected for them. To crown this trouble, a new survey located the line of the 96th meridian a considerable distance to the west of what had previously been presumed its proper location. This survey deprived the Osages of the greater part of the tillable land upon which they had settled and included the most valuable of their improvements. To a proposition allowing the Osages to retain the lands thus found to be east of 96°, the Cherokees returned an emphatic refusal, on the ground that the

[1] United States Statutes at Large, Vol. XIV, p. 687.

[2] April 10, 1868.

[3] May 27, 1868.

[4] United States Statutes at Large, Vol. XVI, p. 362.

former were not "civilized Indians."[1] Another subject of annoyance was the inability of the Osages and Cherokees to agree upon a price for the lands selected by the former. The matter was therefore laid before the President, who, by executive order,[2] fixed the price to be paid at 50 cents per acre. To this action the Cherokees strenuously objected, urging that not only was the price too low, but that a uniform valuation ought to be fixed for all the Cherokee lands west of 96°.[3] To remedy the evils arising from these complications, legislation was asked of Congress approving a new selection for the Osages, and, by act approved June 5, 1872,[4] such selection was affirmed (the previous consent of the Cherokees having been obtained),[5] to include the tract of country "bounded on the east by the 96th meridian, on the south and west by the north line of the Creek country and the main channel of the Arkansas River, and on the north by the south line of the State of Kansas."

Kansas or Kaws.—This act contained a proviso that the Osages should permit the settlement within the limits of this tract of the Kansas or Kaw tribe of Indians, and a reservation was accordingly set off for them in the northwest corner, bounded on the west by the Arkansas River. The area of the country thus assigned to the Kaws was 100,137 acres, and of that portion intended for the occupation of the Osages 1,470,059 acres.[6]

The question of the future location of these Indians having been definitely settled, it only remained for an agreement to be reached concerning the price to be paid to the Cherokees for the tract so purchased. The value fixed by the President on the tract originally selected was considered as having no application to the lands set apart by the act of 1872. As in the first instance no agreement was reached between the Osages and Cherokees, and the President was again called on to establish the price. This he did, after much discussion of the subject, on the 14th of February, 1873. The price fixed was 70 cents per acre, and applied to the "Kaw reserve" as well as to that of the Osages.

Pawnees.—In further pursuance of the privilege accorded by the treaty of 1866, the Pawnee tribe has also been located on Cherokee lands west of 96°. The Pawnees are natives of Nebraska, and possessed as the remnant of their original domain a reservation on the Platte River, in that State. Their principal reliance as a food supply had been the buffalo, though to a very limited extent they cultivated corn and vegetables.

For two years prior to 1874, however, their efforts in the chase were almost wholly unrewarded, and during the summer of that year their

[1] Letter of Cherokee delegation to Commissioner of Indian Affairs, February 15, 1871.
[2] May 27, 1871.
[3] Letter of Cherokee delegation to Commissioner of Indian Affairs, June 10, 1871.
[4] United States Statutes at Large, Vol. XVII, p. 228.
[5] April 8, 1872.
[6] See surveyors' plats on file in Indian Office.

small crops were entirely destroyed by the ravages of the grasshoppers. The winter and spring of 1874–'75 found them, to the number of about three thousand, in a starving condition. In this dilemma they held a council and voted to remove to Indian Territory, asking permission at the same time to send the male portion of the tribe in advance to select a home and to break the necessary ground for planting crops. They also voted a request that the United States should proceed to sell their reserve in Nebraska, and thus secure funds for their proper establishment in the Indian Territory. Permission was granted them in accordance with their request, and legislation was asked of Congress to enable the desired arrangement to be carried into effect. Congress failed to take any action in relation to the subject during the session ending March 3, 1875. It therefore became necessary to feed the Pawnees during the ensuing season.[1]

The following year, by an act approved April 10,[2] Congress provided for the sale of the Pawnee lands in Nebraska, as a means of securing funds for their relief and establishment in their new home, the boundaries of which are therein described. It consists of a tract of country in the forks of the Arkansas and Cimarron Rivers comprising an area of 283,020 acres. Of this tract, 230,014 acres were originally a portion of the Cherokee domain west of 96° and were paid for at the rate of 70 cents per acre. The remainder was ceded to the United States by the Creek treaty of 1866.

Appraisal of the lands west of 96°.—By the 5th section of the Indian appropriation act of May 29, 1872,[3] the President of the United States was authorized to cause an appraisement to be made of that portion of the Cherokee lands lying west of 96° west longitude and west of the Osage lands, or, in other words, all of the Cherokee lands lying west of the Arkansas River and south of Kansas mentioned in the 16th article of the Cherokee treaty of July 19, 1866. No appropriation, however, was made to defray the expense of such an appraisal, and in consequence no steps were taken toward a compliance with the terms of the act. This legislation was had in deference to the long continued complaints of the Cherokees that the United States had, without their consent, appropriated to the use of other tribes a large portion of these lands, for which they (the Cherokees) had received no compensation. The history of these alleged unlawful appropriations of the Cherokee domain may be thus briefly summarized:

1. By treaty of October 18, 1865,[4] with the Kiowas and Comanches, the United States set apart for their use and occupancy an immense tract of country, which in part included all of the Cherokee country

[1] See report of Commissioner of Indian Affairs to Secretary of the Interior, March 6, 1875.

[2] United States Statutes at Large, Vol. XIX, p. 28.

[3] United States Statutes at Large, Vol. XVII, p. 190.

[4] United States Statutes at Large, Vol. XIV, p. 717.

west of the Cimarron River. No practical effect, however, was given to the treaty, because the United States had not at this time acquired any legal right to settle other tribes on the lands of the Cherokees and because of the fact that two years later[1] a new reservation was by treaty provided for the Kiowas and Comanches, no portion of which was within the Cherokee limits.

2. By the treaty of October 28, 1867,[2] with the Southern Cheyennes and Arapahoes the United States undertook to set apart as a reservation for their benefit all the country between the State of Kansas and the Arkansas and Cimarron Rivers. The bulk of this tract was within Cherokee limits west of 96°. As a matter of fact, however, the Cheyennes and Arapahoes could not be prevailed upon to take possession of this tract, and were finally, by Executive order,[3] located on territory to the southwest and entirely outside the Cherokee limits.

Pursuant to the act of May 29, 1872,[4] the Commissioner of Indian Affairs negotiated an agreement with the Southern Cheyennes and Arapahoes in the following autumn[5] by which they ceded to the United States all interest in the country set apart by the treaty of 1867, and accepted in lieu thereof a reserve which included within its limits a portion of the Cherokee domain lying between the Cimarron River and the North Fork of the Canadian.

This agreement with the Southern Cheyennes and Arapahoes not having been ratified by Congress, an agreement was concluded late in the following year[6] by the Commissioner of Indian Affairs with both the Cheyennes and the Arapahoes, whereby they jointly ceded the tract assigned them by the treaty of 1867, as well as all other lands to which they had any claim in Indian Territory, in consideration of which the United States agreed to set apart other lands in that Territory for their future home.

Like its predecessor, this agreement also failed of ratification by Congress, and the Indians affected by it still occupy the tract set apart by Executive order of 1869.

In the light of these facts it appears that although the United States made several attempts, without the knowledge or concurrence of the Cherokees, to appropriate portions of the latter's domain to the use of other tribes, yet as a matter of fact these tribes never availed or attempted to avail themselves of the benefits thus sought to be secured to them, and the Cherokees were not deprived at any time of an opportunity to sell any portion of their surplus domain for the location of other friendly tribes.

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[1] Treaty of October 21, 1867, United States Statutes at Large, Vol. XV, p. 581.

[2] United States Statutes at Large, Vol. XV, p. 593.

[3] August 10, 1869.

[4] United States Statutes at Large, Vol. XVII, p. 190.

[5] October 24, 1872.

[6] November 18, 1873.

By a clause contained in the sundry civil appropriation act of July 31, 1876,[1] provision was made for defraying the expenses of the commission of appraisal contemplated by the act of 1872, and the Secretary of the Interior appointed[2] such a commission, consisting of Thomas V. Kennard, Enoch H. Topping, and Thomas E. Smith. Before the completion of the duties assigned them, Mr. Kennard resigned and William N. Wilkerson was appointed[3] to succeed him. The commission convened at Lawrence, Kansas, and proceeded thence to the Cherokee country, where they began the work of examination and appraisal. Their final report was submitted to the Commissioner of Indian Affairs under date of December 12, 1877. From this report it appears that the commissioners in fixing their valuations adopted as the standard of their appraisal one-half the actual value of the lands, on the theory that being for Indian occupancy and settlement only they were worth only about half as much as they would have been if open to entry and settlement by the white people.

The entire tract, including the Pawnee reserve, contains 6,574,576.05 acres, and was appraised at an average valuation of 41¼ cents per acre. The average valuation placed upon the Pawnee reserve separately was 59 cents per acre, leaving the average of the remaining 6,344,562.01 acres 40.47 cents per acre.

To this standard of appraisal the Cherokees strenuously objected as being most unfair and unjust to them, claiming that the same measure of value used by the United States in rating its lands of a similar character in the adjoining State of Kansas, and from which they were separated only by an imaginary line, should prevail in determining the price to be paid for the Cherokee lands.

The Secretary of the Interior, after a careful examination of the whole subject, was of the opinion[4] that the restriction placed upon the use of these lands (being limited to Indian occupancy only) did not warrant a reduction of 50 per cent. in an appraisal of their value.

The price paid by the Osages for their reserve was 70 cents per acre. The Pawnee tract was of about the same general character as that of the Osages, and there seemed to be no good reason why the same price should not be allowed to the Cherokees therefor. This Pawnee tract was appraised by the commissioners at 59 cents per acre. As the appraisal of the whole unoccupied country west of 96° was made by the same appraisers and upon the same basis, if an increase was determined upon in the case of the Pawnee tract from 59 to 70 cents per acre, it was only just that a proportionate increase above the appraised value of the remainder of the lands should also be allowed.

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[1] United States Statutes at Large, Vol. XIX, p. 120.

[2] January 30, 1877.

[3] September 8, 1877.

[4] Letter of the Secretary of the Interior to the President, June 21, 1879.

This would give an increase for the latter from 40.47 cents to 47.49 per acre. The adoption of this standard was therefore recommended to the President and was by him approved and ratified.[1]

In addition to the Osages, Kansas, and Pawnees there have been removed to the Cherokee lands west of 96° the Poncas, a portion of the Nez Percés, and the Otoes and Missourias.

Poncas.—An appropriation of $25,000 was made by act of Congress approved August 15, 1876,[2] for the removal of the Poncas, whenever their assent should be obtained. After much trouble and a threatened resort to military force, their assent to remove to the Indian Territory was secured in the beginning of 1877.[3] They came overland from Nebraska in two different parties and encountered great hardships, but finally reached the Territory, where they were temporarily located on the northeast portion of the Quapaw reserve, a few miles from Baxter Springs, Kansas.[4]

They were not satisfied with the location, which was in many respects unsuitable, especially in view of its proximity to the white settlements. They were, therefore, permitted to make another selection, which they did in the Cherokee country, on the west bank of the Arkansas, including both banks of the Salt Fork at its junction with the parent stream. To this new home they removed in 1878,[5] but it was not until 1881[6] that Congress made an appropriation out of which to pay the Cherokees for the land so occupied. This tract embraces 101,894.31 acres, for which the price of 47.49 cents per acre, fixed by the President, was paid.

Nez Percés.—The Nez Percés, previously alluded to, are the remnant of Chief Joseph's band, who surrendered to General Miles in 1877. They were at first removed from the place of their surrender to Fort Leavenworth, Kansas, where they arrived in November of that year as prisoners of war, to the number of 431. Congress having made provision[7] for their settlement in the Indian Territory, a reservation was selected for them on both sides of the Salt Fork of the Arkansas. To this tract, which adjoined the Poncas on the west, they removed in the summer of 1879,[8] having in the mean time lost a large number by death, the mortality being occasioned in great measure by their unsanitary location while at Fort Leavenworth. The reserve selected for them contains 90,735 acres and was paid for at the same price as that of the Poncas.

Otoes and Missourias.—By act of March 3, 1881,[6] provision was also

[1] June 23, 1879.
[2] United States Statutes at Large, Vol. XIX, p. 187.
[3] January 27, 1877.
[4] Report of Commissioner of Indian Affairs for 1877, pp. 21–23.
[5] Report of Commissioner of Indian Affairs for 1878, p. xxxvi.
[6] United States Statutes at Large, Vol. XXI, p. 380.
[7] Act of May 27, 1878, United States Statutes at Large, Vol. XX, p. 63.
[8] Report of Commissioner of Indian Affairs for 1879, p. xl.

made for the removal of the Otoes and Missourias to the Indian Territory and for the sale of their lands in Nebraska.

A reservation was accordingly selected for them west of the Arkansas River and south of the Ponca Reserve, to which they were removed in the autumn of the same year.[1] It contains 129,113.20 acres and was paid for at the same rate as that of the Poncas and Nez Percés.[2]

EAST AND NORTH BOUNDARIES OF CHEROKEE COUNTRY.

For many years there had been much doubt and dispute concerning the correctness of the boundary line between the Cherokee Nation and the adjacent States. Especially had this been the cause of much controversy with the citizens of Arkansas. In the interest of a final adjustment of the matter, it was stipulated in the twenty-first article of the Cherokee treaty of July 19, 1866, that the United States should, at its own expense, cause such boundary to be resurveyed between the Cherokee Nation and the States of Arkansas, Missouri, and of Kansas as far west as the Arkansas River, and the same should be marked by permanent and conspicuous monuments by two commissioners, one of whom should be designated by the Cherokee national council.

Nothing definite was done in pursuance of this provision until the year 1871, when W. D. Gallagher was[3] appointed a commissioner on behalf of the United States to co-operate with the commissioner on the part of the Cherokees. Mr. Gallagher declined and R. G. Corwin was substituted in his stead,[4] but he having also refused to serve, the place was finally filled by the appointment[5] of James M. Ashley. The Cherokee national council on their part selected John Lynch Adair. The commission advertised for proposals for the surveying, and, as a result, entered into contract with D. P. Mitchell, who completed the survey to the satisfaction of the commissioners.[6] The new line from Fort Smith, Ark., to the southwest corner of Missouri ran north 7° 50′ west, 77 miles 39.08 chains; thence to the southeast corner of the Seneca lands it ran north 0° 02′ west 8 miles 53.68 chains. The north boundary between the nation and the State of Kansas, extending from the Neosho to the Arkansas River, was protracted due west on the 37° of north latitude and was found to be 105 miles 60 chains and 75 links in length. The report of the commissioners was approved by the Secretary of the

[1] Report of Commissioner of Indian Affairs for 1881, p. lxiii. The removal was accomplished between October 5 and October 23.

[2] Deeds were executed June 14, 1883, by the Cherokee Nation to the United States in trust for each of the tribes located upon Cherokee country west of 96°, such deeds being in each case for the quantity of land comprised within the tracts respectively selected by or for them for their future use and occupation. See Report of Commissioner of Indian Affairs, for 1883, p. lii.

[3] February 27, 1871.

[4] April 14, 1871.

[5] May 4, 1871.

[6] The survey was approved by the commissioners December 11, 1871.

Interior, and although some distress for the time being was occasioned to individual settlers, whose improvements were by the resurvey of the line thrown within the limits of the Indian Territory, the boundary has been so plainly marked that "he who runs may read."

RAILROADS THROUGH INDIAN TERRITORY.

The series of treaties concluded in 1866 with the five principal tribes in Indian Territory all contained limited concessions of right of way for railroads through their country to the State of Texas. The eleventh article of the Cherokee treaty contained a grant of right of way 200 feet in width to a contemplated railroad through their domain from north to south and also from east to west. In pursuance of these treaty concessions, as essentially a part of the same scheme, Congress, by appropriate legislation,[1] granted public lands and privileges to the Kansas and Neosho, the southern branch of the Union Pacific, and the Atlantic and Pacific Railroad Companies, respectively, for the construction of their roads. The Leavenworth, Lawrence and Fort Gibson Railroad was also conceded like privileges. The stipulated point of entering the Indian Territory was in each case the west bank of Neosho River, where it crosses the Kansas line. As there seemed to be some question whether more than one line of road would be permitted to traverse the Territory in each direction a race was inaugurated between all the north and south lines, each in the effort to outstrip the other in reaching the prescribed point for entering the Indian country. The Union Pacific Southern Branch (subsequently known as the Missouri, Kansas, and Texas) Railway Company, in the fervency of their desire to reach the line first, omitted the construction of a portion of their route, and began operations within the limits of the Cherokee country without having received the previous permission of either the United States or the Cherokee authorities so to do. To this conduct the Cherokees made vigorous objection, and appealed to the Secretary of the Interior. That officer notified[2] the railroad officials that the Cherokees did not recognize their right to so intrude upon the Territory, and that no work of the kind referred to could be permitted therein until the Executive should be satisfied, by evidence submitted in proper manner, that such entry and occupation were in accordance with law. Thereupon the officers and attorneys of the several companies interested appeared and submitted arguments before the Secretary of the Interior on behalf of their respective interests. The point submitted for the consideration of the Secretary and for the determination of the President was, what rights had been given to railroad companies to construct railroads through the Indian Territory and what railroads, if any, were entitled to such privileges and right of way.

On the part of the Indians it was claimed that the whole scheme of

[1] Acts of July 25, 26, and 27, 1866.

[2] May 13, 1870.

treaties and of legislation looked to the construction of but a single trunk road through the Territory from north to south, and, as far as the Cherokee Nation was concerned, for the like construction of but a single road through its territory from east to west. This interpretation of the treaties and the laws was admitted to be the correct one by all the companies but the Missouri, Kansas, and Texas. This company insisted that the meaning of the legislation and of the treaties was to give the right of way to as many roads as might in any manner be authorized by Congress to enter the Territory.

The Secretary of the Interior in his opinion[1] expressed an emphatic concurrence in the interpretation insisted upon by the Cherokee delegation. He was further of the opinion that neither of the roads had so far earned a right to enter the Indian country by the construction of a continuous line of road to the legal point of entrance, but that as it might soon be necessary to decide which company should first completely fulfill the conditions of the law, an executive order ought to be issued declaring that no railroad company should be permitted to enter the Territory for the purpose of grading or constructing a railroad until a report should be received from a commission composed of the superintendents of Indian affairs for the central and southern superintendencies designating which company had first reached the line. These views and findings of the Secretary of the Interior were approved by the President and directed to be carried into effect.[2]

This commission reported[3] that the Union Pacific Railway, southern branch — otherwise the Missouri, Kansas, and Texas Railway — reached the northern boundary of the Indian Territory, in the valley of the Neosho River on the west side, and about one mile therefrom, at noon on the 6th day of June, 1870, and that at that time there was no other railroad nearer than 16 miles of that point.

Predicated upon this report, supplemented by the certificate of the governor of Kansas that it was a first class completed railway up to that point, permission was given the Missouri, Kansas, and Texas Railway Company by the President, under certain stipulations and restrictions as to the methods and character of construction, to proceed with the work of building a trunk road through the Indian Territory to a point at or near Preston, in the State of Texas, and the road was rapidly constructed under this authority.

The Atlantic and Pacific road, having no competitor, experienced no difficulty in securing the right of construction of its east and west line through the Cherokee country.

REMOVAL OF INTRUDERS — CHEROKEE CITIZENSHIP.

On various pretexts, both white and colored men had from time to time established themselves among the Cherokees and taken up their

[1] May 21, 1870.
[2] May 23, 1870.
[3] June 13, 1870.

residence as permanent citizens of the nation. The increase of their numbers at length became so formidable and their influence upon the national polity and legislation of the Cherokees so great as to excite the apprehension and jealousy of the latter.

The policy of their removal therefore became a subject of serious consideration with the national council. This involved a question as to what were the essential prerequisites of Cherokee citizenship, and who of the objectionable class were entitled, on any score, to the privileges of such citizenship, as well as who were mere naked intruders. Upon these points the national council assumed to exercise absolute control, and proceeded to enact laws for the removal of all persons, both white and colored, whom the council should declare not entitled to remain in the Cherokee country.[1] The action of the council in this respect was communicated to the Indian Department in the fall of 1874, through the United States agent for that tribe, coupled with a demand for the removal by the military force of the United States of all who had thus been declared to be intruders. The Department not being fully satisfied of the justice of this demand, detailed an inspector to proceed to the Indian country and make a thorough investigation of the subject. His report[2] revealed the fact that there were large numbers of people in that country who had been declared intruders by the national authorities, but who had presented to him strong *ex parte* evidence of their right to Cherokee citizenship, either by blood, by adoption, or under the terms of the 9th article of the treaty of 1866 defining the status of colored people. Affidavits in large numbers corroborative of the inspector's report continued to be filed in the Indian Department during the succeeding summer, from which it appeared that many persons belonging to each of the classes alluded to had applied to the courts or to the council of the nation for an affirmative ruling upon their claim to citizenship, but that in many instances such applications had been entirely ignored. In other cases, where the courts had actually affirmed the right of applicants, the council had arbitrarily and without notice placed their names upon the list of intruders and called upon the United States for their removal. In this situation of affairs the Indian Department advised[3] the principal chief of the Cherokees that the Department would neither remove these alleged intruders nor permit their removal until the Cherokee council had devised a system of rules by which authority should be vested in the Cherokee courts to hear and determine all cases involving the citizenship of any person. These rules should be subject to the approval of the Secretary of the

[1] The persons affected by this action were comprised within four classes, viz:

1. White persons who had married into the tribe.
2. Persons with an admixture of Indian blood, through either father or mother.
3. Adopted persons.
4. Persons of African descent who claimed rights under the treaty of 1866.

[2] February 15, 1876.

[3] October —, 1876.

Interior, to whom an appeal should also lie from any adverse decision of those courts. As there were a number of these intruders, however, who made no claim to the right of Cherokee citizenship, it was directed by the Interior Department, in the spring of 1877, that all who should not present *prima facie* evidence of such right should be summarily removed from the Territory. The main cause of difficulty, however, continuing unadjusted, the principal chief of the Cherokees asked the submission of the subject, from the Cherokee standpoint, to the Attorney-General of the United States for his opinion. This was done in the spring of 1879,[1] by the Commissioner of Indian Affairs through the Secretary of the Interior, wherein the former, alleging that the question submitted by the Cherokee authorities did not fully meet the subject in dispute, and being desirous that a complete statement of the case should be presented to the Attorney-General, suggested three additional inquiries for the consideration of that officer. These inquiries were, first, Have the Cherokee national authorities such original right of sovereignty over their country and their people as to vest in them the exclusive jurisdiction of all questions of citizenship in that nation without reference to the paramount authority of the United States? Second, If not, do they derive any such power or right by the provisions of any of the treaties between the United States and the Cherokees? Third, Can they exclude from citizenship any of the Cherokees who did not remove under the provisions of the treaty of 1835 upon their removal to the Cherokee country as now defined by law? The reply[2] of the Attorney-General was to the effect that it seemed quite plain in executing such treaties as those with the Cherokees, the United States were not bound to regard simply the Cherokee law and its construction by the council of that nation, but that any Department required to remove alleged intruders must determine for itself, under the general law of the land, the existence and extent of the exigency upon which such requisition was founded.

One class of these so-called intruders, as previously suggested, was composed of colored people who resided in the Cherokee country prior to the war, either as slaves or freemen, and their descendants.

The fourth article of the treaty of July 19, 1866, contained a provision setting apart a tract within the Cherokee country known as the Canadian district, for the settlement and occupancy of "all the Cherokees and freed persons who were formerly slaves of any Cherokee, and all free negroes not having been such slaves who resided in the Cherokee Nation prior to June 1, 1861, who may within two years elect not to reside northeast of the Arkansas River and southeast of Grand River."

The fifth article of the same treaty guaranteed to such persons as should determine to reside in the district thus set apart the right to select their own local officers, judges, etc., and to manage and control

[1] April 4, 1879.

[2] December 12, 1879.

their local affairs in such manner as seemed most satisfactory to them not inconsistent with the constitution and laws of the Cherokee Nation or of the United States. Again it was provided by the ninth article of the treaty that all freedmen who had been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion and were still residents therein or who should return within six months and their descendants, should have all the rights of native Cherokees.

Congressional legislation was sought in 1879, having in view the enforcement of this ninth article, but it failed of consummation.[1] The Cherokee council, in the mean time had passed[2] an act urging upon the United States the adoption of some measures calculated to reach a satisfactory adjustment of the status of the colored people within their jurisdiction, and requested the attendance of some properly authorized representative of the Government at their ensuing council for consultation as to the most satisfactory method of settling the vexed question. United States Indian Agent Tufts was accordingly instructed[3] to attend the council, which he did. It resulted in the passage[4] of an act by that body authorizing the principal chief to appoint a commission of three Cherokees to confer with the United States agent and draft articles of agreement, which should, after receiving the approval of the council and of Congress, be considered as permanently fixing the status of the colored people. The agent, however, soon discovered that no action looking to the full recognition of the rights to which they were entitled was likely to receive favorable consideration. It seems from his report[5] that it was still very unpopular in the Cherokee Nation to advocate any measure conceding to the colored people the same rights enjoyed by the Cherokees themselves, and that until a radical revolution of public sentiment should take place among them it was useless to expect any favorable action from the national council. Agent Tufts concluded his report with a recommendation that a commission be appointed by the Interior Department and instructed to hold sessions in the Cherokee country, hear evidence, and determine the status of each disputed claimant to citizenship, subject to the final revision and approval of the Department. Inspector Ward and Special Agent Beede were, therefore, instructed[6] to consult with Agent Tufts, and, after familiarizing themselves with the question in all its details, to visit the executive officers of the Cherokee Nation and see if some satisfactory solution of the troublesome problem could be brought about. This conference, like all

[1] A bill to this effect was introduced into the Senate by Senator Ingalls, of Kansas, June 3, 1879, and reported from the Committee on Indian Affairs, with amendments, June 4, 1880, by Senator Williams, of Kentucky.

[2] December 6, 1879.

[3] October 16, 1880.

[4] November 23, 1880.

[5] January 26, 1882.

[6] May 9, 1883.

previous efforts, failed of accomplishing the desired end. Thus the question still stands, and all those persons who have been able to make out a *prima facie* showing of Cherokee citizenship, under the ruling of the Department, are allowed to remain in the Territory unmolested.

GENERAL REMARKS.

With the exception of these questions and complications arising out of the construction of the various articles of the treaty of July 19, 1866, nothing of an important character has occurred in connection with the official relations between the Cherokee Nation and the Federal Government since the date of that treaty.

Their history has been an eventful one. For two hundred years a contest involving their very existence as a people has been maintained against the unscrupulous rapacity of Anglo-Saxon civilization. By degrees they were driven from their ancestral domain to an unknown and inhospitable region. The country of their fathers was peculiarly dear to them. It embraced the head springs of many of the most important streams of the country. From the summit of their own Blue Ridge they could watch the tiny rivulets on either side of them dashing and bounding over their rocky beds in their eagerness to join and swell the ever increasing volume of waters rolling toward the Atlantic Ocean or the Gulf of Mexico: the Tennessee and the Cumberland, the Kanawha and the Kentucky, the Peedee and the Santee, the Savannah and the Altamaha, the Chattahoochee and the Alabama, all found their beginnings within the Cherokee domain. The bracing and invigorating atmosphere of their mountains was wafted to the valleys and low lands of their more distant borders, tempering the heat and destroying the malaria. Much of their country was a succession of grand mountains, clothed with dense forests; of beautiful but narrow valleys, and extensive well watered plains. Every nook and corner of this vast territory was endeared to them by some incident of hunter, warrior, or domestic life. Over these hills and through the recesses of the dark forests the Cherokee hunter had from time immemorial pursued the deer, elk, and buffalo. Through and over them he had passed on his long and vengeful journeys against the hated Iroquois and Shawnee.

The blood of his ancestors, as well as of his enemies, could be trailed from the Hiwassee to the Ohio. The trophies of his skill and valor adorned the sides of his wigwam and furnished the theme for his boastful oratory and song around the council fire and at the dance. His wants were few and purely of a physical nature. His life was devoted to the work of securing a sufficiency of food and the punishment of his enemies. His reputation among his fellow men was proportioned to the skill with which he could draw the bow, his cleverness and agility in their simple athletic sports, or the keen and tireless manner that characterized his pursuit of an enemy's trail. His life

was simple, his wants were easily supplied; and, in consequence, the largest measure of his existence was spent in indolence and frivolous amusements. Such proportion of the family food as the chase did not supply was found in the cultivation of Indian corn. The pride of a warrior scorned the performance of menial labor, and to the squaw was this drudgery, as well as that of the household, assigned. His general character has been much misunderstood and misrepresented. He was in fact possessed of great ingenuity, keen wit, and rare cunning. In the consideration of matters of public importance, his conduct was characterized by a grave dignity that was frequently almost ludicrous. The studied stolidity of his countenance gave the spectator no clew to the inward bent of his feelings or determination. The anxious prisoner, from a watchful study of his face and actions, could read nothing of his probable fate. He was physically brave, and would without hesitancy attack the most dangerous beasts of the forests or his still more ferocious human enemies. In the hands of those enemies he would endure, with the most unflinching nerve, the cruelest tortures their ingenuity could devise, and at the same time chant his death song in the recital of his numerous personal acts of triumph over them.

His methods of warfare were, however, very different from those which meet the approval of civilized nations. He could not understand that there was anything of merit in meeting his antagonist in the open field, where the chances of victory were nearly equal. It was a useless risk of his life, even though his numbers exceeded those of his enemy, to allow them to become advised of his approach. His movements were stealthy, and his blows fell at an unexpected moment from the hidden ambush or in the dead hours of the night. His nature was cruel, and in the excitement of battle that cruelty was clothed in the most terrible forms. He was in the highest degree vindictive, and his memory never lost sight of a personal injury. He was inclined to be credulous until once deceived, after which nothing could remove his jealous distrust.

His confidence once fully secured, however, the unselfishness of his friendship as a rule would put to shame that of his more civilized Anglo-Saxon brother. His scrupulous honor in the payment of a just debt was of a character not always emulated among commercial nations. His noble qualities have not been granted the general recognition they deserve, and his ignoble traits have oftentimes been glossed over with the varnish of an unhealthy sentimentality.[1]

For many years following his first contact with the whites the daily

[1] William Bartram, who traveled through their country in 1776, says (Travels in North America, p. 483): "The Cherokees in their dispositions and manners are grave and steady, dignified and circumspect in their deportment; rather slow and reserved in conversation, yet frank, cheerful, and humane; tenacious of the liberties and natural rights of man; secret, deliberate, and determined in their councils; honest, just, and liberal, and always ready to sacrifice every pleasure and gratification, even their blood and life itself, to defend their territory and maintain their rights."

life of the Cherokee underwent but little change. The remoteness of his villages from the coast settlements and the intervening territory of other tribes limited in large degree any frequency of association with his white neighbors. In spite of this restricted intercourse, however, the superior comforts and luxuries of civilization were early apparent to him. His new-found desires met with a ready supply through the enterprising cupidity of the fur traders. At the same time and through the same means he was brought to a knowledge of the uses and comforts of calico and blankets, and the devastating though seductive influence of spirituous liquors. Yet nothing occurred to mar the peace hitherto existing with his white neighbors until their continued spread and seemingly insatiate demand for more territory aroused a feeling of jealous fear in his bosom. This awakening to the perils of his situation was, unfortunately for him, too late. The strength of the invaders already surpassed his own, and henceforth it was but a struggle against fate. Prior to the close of the Revolutionary war but little, if anything, had been done toward encouraging the Cherokee to adopt the customs and pursuits of civilized life. His native forests and streams had afforded him a sufficiency of flesh, fish, and skins to supply all his reasonable wants. Immediately upon the establishment of American Independence the policy to be pursued by the Government in its relations with the Indian tribes became the subject of grave consideration. The necessity began to be apparent of teaching the proximate tribes to cultivate the soil as a substitute for the livelihood hitherto gained through the now rapidly diminishing supplies of game. In the report of the commissioners appointed to negotiate the treaty of 1785, being the first treaty concluded between the Cherokees and the United States, they remark that some compensation should be made to the Indians for certain of their lands unlawfully taken possession of by the whites, and that the sum so raised should be appropriated to the purpose of teaching them useful branches of mechanics. Furthermore, that some of their women had lately learned to spin, and many others were "very desirous that some method should be fallen on to teach them to raise flax, cotton, and wool, as well as to spin and weave it."

Six years later, in the conclusion of the second treaty with them, it was agreed, in order "that the Cherokee Nation may be led to a greater degree of civilization, and to become herdsmen and cultivators instead of remaining in a state of hunters, the United States will from time to time furnish gratuitously the said nation with useful implements of husbandry." From this time forward the progress of the Cherokees in civilization and enlightenment was rapid and continuous.[1] They had

[1] Hon. J. C. Calhoun, Secretary of War, under date of March 29, 1824, in a communication addressed to the President to be laid before the United States Senate, alludes to the provision contained in the treaty of 1791 and says: "In conformity to the provisions of this article the various utensils of husbandry have been abundantly and constantly distributed to the Cherokee Nation, which has resulted in creating a taste for farming and the comforts of civilized life."

made such advancement that, nearly thirty years later,[1] Return J. Meigs, their long time agent and friend, represented to the Secretary of War that such Government assistance was no longer necessary or desirable; that the Cherokees were perfectly competent to take care of themselves, and that further contributions to their support only had a tendency to encourage idleness and dependence upon the Government.

Their country was especially adapted to stock raising and their flocks and herds increased in proportion to the zeal and industry of their owners. The proceeds of their surplus cotton placed within reach most of the comforts and many of the luxuries of life. The unselfish devotion of the missionary societies had furnished them with religious and school instruction, of which they had in large numbers eagerly availed themselves.[2] From the crude tribal government of the eighteenth century they had gradually progressed until in the month of July, 1827, a convention of duly elected delegates from the eight several districts into which their country was divided[3] assembled at New Echota, and announced that "We, the representatives of the people of the Cherokee Nation, in convention assembled, in order to establish justice, insure tranquillity, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty, acknowledging with humility and gratitude the goodness of the sovereign Ruler of the Universe in offering us an opportunity so favorable to the design and imploring His aid and direction in its accomplishment, do ordain and establish this constitution for the government of the Cherokee Nation." By the constitution thus adopted the power of the nation was divided into legislative, executive, and judicial departments. The legislative power was vested in a committee and a council, each to have a negative on the other, and together to be called the "General Council of the Cherokee Nation." This committee consisted of two and the council of three members from each district, and were to be elected biennially by the suffrages of all free male citizens (excepting negroes and descendants of white and Indian men by negro women who may have been set free) who had attained the age of eighteen years. Their sessions were annual, beginning on the second Monday in October. Persons of negro or mulatto blood were declared ineligible to official honors or emoluments.

The executive power of the nation was confided to a principal chief,

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[1] May 30, 1820.

[2] Letter of Hon. J. C. Calhoun Secretary of War, March 29, 1824. In this letter Mr. Calhoun says: "Certain benevolent societies in the year 1816 applied for permission to make establishments among the Cherokees and other southern tribes, for the purpose of educating and instructing them in the arts of civilized life. Their application was favorably received. The experiment proved so favorable, that Congress, by act of March 3, 1819, appropriated $10,000 annually as a civilization fund, which has been applied in such a manner as very considerably to increase the extent and usefulness of the efforts of benevolent individuals and to advance the work of Indian civilization."

[3] The eight districts into which the nation was at this time divided were, Chickamauga, Chatooga, Coosawatee, Amohee, Hickory Log, Etowah, Taquoe, and Aquohee.

elected by the general council for a term of four years, and none but native born citizens were eligible to the office. The chief was required to visit each district of the nation at least once in two years, to keep himself familiarized with the condition and necessities of the country. His approval was also required to all laws, and, as in the case of our own Government, the exercise of the veto power could be overcome only by a two-thirds majority in both houses of the national legislature. An executive council of three members besides the assistant principal chief was also to be elected by the joint vote of the two houses for the period of one year.

The judicial functions were vested in a supreme court of three judges and such circuit and inferior courts as the general council should from time to time prescribe, such judges to be elected by joint vote of the general council.

Ministers of the gospel who by their profession were dedicated to the service of God and the care of souls, and who ought not therefore to be diverted from the great duty of their function, were, while engaged in such work, declared ineligible to the office of principal chief or to a seat in either house of the general council. Any person denying the existence of a God or a future state of rewards and punishments was declared ineligible to hold any office in the civil department of the nation, and it was also set forth that (religion, morality, and knowledge being necessary to good government, the preservation of liberty, and the happiness of mankind) schools and the means of education should forever be encouraged in the nation.

Under this constitution elections were regularly held and the functions of government administered until the year 1830, when the hostile legislation of Georgia practically paralyzed and suspended its further operation. Although forbidden to hold any more elections, the Cherokees maintained a semblance of their republican form of government by tacitly permitting their last elected officers to hold over and recognizing the authority and validity of their official actions. This embarrassing condition of affairs continued until their removal west of the Mississippi River, when, on the 6th of September, 1839, they, in conjunction with the "Old Settlers," adopted a new constitution, which in substance was a duplicate of its predecessor.

This removal turned the Cherokees back in the calendar of progress and civilization at least a quarter of a century. The hardships and exposures of the journey, coupled with the fevers and malaria of a radically different climate, cost the lives of perhaps 10 per cent. of their total population. The animosities and turbulence born of the treaty of 1835 not only occasioned the loss of many lives, but rendered property insecure, and in consequence diminished the zeal and industry of the entire community in its accumulation. A brief period of comparative quiet, however, was again characterized by an advance toward a higher civilization. Five years after their removal we find from the report of their agent that they are again on the increase in popula-

tion; that their houses, farms, and fixtures have greatly improved in the comforts of life; that in general they are living in double cabins and evincing an increasing disposition to provide for the future; that they have in operation eleven common schools, superintended by a native Cherokee, in which are taught reading, writing, arithmetic, bookkeeping, grammar, geography, and history, which are entirely supported at the expense of their own national funds, and which are attended by upwards of five hundred scholars; that the churches are largely attended and liberally supported, the Methodists having 1,400 communicants, the Baptists 750, and other denominations a smaller number; that a national temperance society boasts of 1,752 members; that they maintain a printing press, from which publications are issued in both the English and Cherokee tongues; that some of them manifest a decided taste for general literature and a few have full and well selected libraries; that thousands of them can speak and write the English language with fluency and comparative accuracy; that hundreds can draw up contracts, deeds, and other instruments for the transfer of property, and that in the ordinary transactions of life, especially in making bargains, they are shrewd and intelligent, frequently evincing a remarkable degree of craft and combination; that their treatment of their women had undergone a radical change; that the countenance and encouragement given to her cultivation disclosed a more exalted estimate of female character, and that instead of being regarded as a slave and a beast of burden she was now recognized as a friend and companion.

Thus, with the exception of occasional drawbacks—the result of civil feuds—the progress of the nation in education, industry, and civilization continued until the outbreak of the rebellion. At this period, from the best attainable information, the Cherokees numbered twenty-one thousand souls. The events of the war brought to them more of desolation and ruin than perhaps to any other community.

Raided and sacked alternately, not only by the Confederate and Union forces, but by the vindictive ferocity and hate of their own factional divisions, their country became a blackened and desolate waste. Driven from comfortable homes, exposed to want, misery, and the elements, they perished like sheep in a snow storm. Their houses, fences, and other improvements were burned, their orchards destroyed, their flocks and herds slaughtered or driven off, their schools broken up, and their school-houses given to the flames, their churches and public buildings subjected to a similar fate, and that entire portion of their country which had been occupied by their settlements was distinguishable from the virgin prairie only by the scorched and blackened chimneys and the plowed but now neglected fields.

The war over and the work of reconstruction commenced, found them numbering fourteen thousand impoverished, heart broken, and revengeful people. But they must work or starve, and in almost sullen despair they set about rebuilding their waste places. The situation was one

calculated to discourage men enjoying a higher degree of civilization than they had yet reached, but they bent to the task with a determination and perseverance that could not fail to be the parent of success.

To-day their country is more prosperous than ever. They number twenty-two thousand, a greater population than they have had at any previous period, except perhaps just prior to the date of the treaty of 1835, when those east added to those west of the Mississippi are stated to have aggregated nearly twenty-five thousand people.[1] To-day they have twenty-three hundred scholars attending seventy-five schools, established and supported by themselves at an annual expense to the nation of nearly $100,000. To-day thirteen thousand of their people can read and eighteen thousand can speak the English language. To-day five thousand brick, frame, and log houses are occupied by them, and they have sixty-four churches with a membership of several thousand. They cultivate a hundred thousand acres of land and have an additional one hundred and fifty thousand fenced. They raise annually 100,000 bushels of wheat, 800,000 of corn, 100,000 of oats and barley, 27,500 of vegetables, 1,000,000 pounds of cotton, 500,000 pounds of butter, 12,000 tons of hay, and saw a million feet of lumber. They own 20,000 horses, 15,000 mules, 200,000 cattle, 100,000 swine, and 12,000 sheep.

They have a constitutional form of government predicated upon that of the United States. As a rule, their laws are wise and beneficent and are enforced with strictness and justice. Political and social prejudice has deprived the former slaves in some instances of the full measure of rights guaranteed to them by the treaty of 1866 and the amended constitution of the nation, but time is rapidly softening these asperities and will solve all difficulties of the situation.

The present Cherokee population is of a composite character. Remnants of other nations or tribes have from time to time been absorbed and admitted to full participation in the benefits of Cherokee citizenship. The various classes may be thus enumerated:

1. The full blood Cherokees.
2. The mixed blood Cherokees.
3. The Delawares.
4. The Shawnees.
5. White men and women intermarried with the foregoing.
6. A few Creeks who broke away from their own tribe and have been citizens of the Cherokee Nation for many years.

[1] The census of the nation east of the Mississippi, taken in 1835, exhibited the following facts:

	Cherokees.	Slaves.	Whites intermarried with Cherokees.	Total.
In Georgia	8,946	776	68	9,790
In North Carolina	3,644	37	22	3,703
In Tennessee	2,528	480	79	3,087
In Alabama	1,424	299	32	1,755
Aggregate	16,542	1,592	201	18,335

7. A few Creeks who are not citizens, but have taken up their abode in the Cherokee country, without any rights.

8. A remnant of the Natchez tribe, who are citizens.

9. The freedmen adopted under the treaty of 1866.

10. Freedmen not adopted, but not removed as intruders, owing to an order from the Indian Department forbidding such removal pending a decision upon their claims to citizenship.

If the Government of the United States shall in this last resort of the Cherokees prove faithful to its obligations and maintain their country inviolate from the intrusions of white trespassers, the future of the nation will surely prove the capability of the American Indian under favorable conditions to realize in a high degree the possibilities of Anglo-Saxon civilization.

Table showing approximately the area in square miles and acres ceded to the United States by the various treaties with the Cherokee Nation.

Date of treaty.	State where ceded lands are located.	Area in square miles.	Area in acres.
1721	South Carolina	2,623	1,678,720
November 24, 1755	do	8,635	5,526,400
October 14, 1768	Virginia	850	544,000
October 18, 1770	do	4,500	2,880,000
	West Virginia	4,300	2,752,000
	Tennessee	150	96,000
	Kentucky	250	160,000
1772	do	10,135	6,486,400
	West Virginia	437	279,680
	Virginia	345	220,800
June 1, 1773	Georgia	1,050	672,000
March 17, 1775	Kentucky	22,600	14,464,000
	Virginia	1,800	1,152,000
	Tennessee	2,650	1,696,000
May 20, 1777	South Carolina	2,051	1,312,640
July 20, 1777	North Carolina	4,414	2,824,960
	Tennessee	1,760	1,126,400
May 31, 1783	Georgia	1,650	1,056,000
November 28, 1785	North Carolina	550	352,000
	Tennessee	4,914	3,144,960
	Kentucky	917	586,880
July 2, 1791	Tennessee	3,435	2,198,400
	North Carolina	722	462,080
October 2, 1798	Tennessee	952	609,280
	North Carolina	587	375,680
October 24, 1804	Georgia	135	86,400
October 25, 1805	Kentucky	1,086	695,040
	Tennessee	7,032	4,500,480
October 27, 1805	do	1¼	800
January 7, 1806	do	5,269	3,372,160
	Alabama	1,602	1,025,280
March 22, 1816	South Carolina	148	94,720
September 14, 1816	Alabama	3,429	2,194,560
	Mississippi	4	2,560
July 8, 1817	Georgia	583	373,120
	Tennessee	435	278,400
February 27, 1819	Georgia	837	535,680
	Alabama	1,154	738,560
	Tennessee	2,408	1,541,120
	North Carolina	1,542	986,880
May 6, 1828	Arkansas	4,720	3,020,800
December 29, 1835	Tennessee	1,484	949,760
	Georgia	7,202	4,609,280
	Alabama	2,518	1,611,520
	North Carolina	1,112	711,680
July 19, 1866[a]	Kansas	[b]1,928	1,233,920
Total		126,906¼	81,220,374

[a] In addition there was ceded by this treaty for the location of other Indian tribes all the Cherokee domain in Indian Territory lying west of 96°, containing by actual survey 8,144,772.35 acres or 12,726 square miles.

[b] And a fractional square mile comprising 374 acres.

SMITHSONIAN INSTITUTION——BUREAU OF ETHNOLOGY.

THE MOUNTAIN CHANT:

A NAVAJO CEREMONY.

BY

Dr. WASHINGTON MATTHEWS, U. S. A.

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NOTE ON THE ORTHOGRAPHY OF NAVAJO WORDS.

The spelling of Navajo words in this paper is in accordance with the alphabet of the Bureau of Ethnology:

c = *ch* in *chin*; ȼ = *th* in *this*; ç = *th* in *think*; j = *z* in *azure*; q = German *ch* in *machen*; ' shows that a vowel is aspirated; the vowels have the continental sounds; *ai* is the only diphthong, and is like *i* in *line*; *l* is usually aspirated; the other letters have the ordinary English pronunciation.

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THE MOUNTAIN CHANT: A NAVAJO CEREMONY.

By Dr. Washington Matthews, U. S. A.

INTRODUCTION.

1. The ceremony of dsilyídje qaçàl, or mountain chant—literally, chant towards (a place) within the mountains—is one of a large number practiced by the shamans, or medicine men, of the Navajo tribe. I have selected it as the first of those to be described, because I have witnessed it the most frequently, because it is the most interesting to the Caucasian spectator, and because it is the best known to the whites who visit and reside in and around the Navajo country. Its chief interest to the stranger lies in the various public performances of the last night. Like other great rites of the shamans, it has its secret ceremonies of many days' duration in the medicine lodge; but, unlike the others, it ends with a varied show in the open air, which all are invited to witness. Another ceremony which I have attended, and which the whites usually call the "Yaỳbichy Dance" (Yèbitcai), has a final public exhibition which occupies the whole night, but it is unvaried. Few Europeans can be found who have remained awake later than midnight to watch it. Such is not the case with the rite now to be described. Here the white man is rarely the first to leave at dawn.

2. The appropriateness of the name dsilyídje or tsilgitce—towards (a place) within the mountains—will be better understood from the myth than from any brief description. "Dsilyi'" may well allude to mountains in general or to the Carrizo Mountains in particular, to the place in the mountains (paragraphs 9 and 38) where the originator of these ceremonies (whom I often find it convenient to call "prophet") dwelt, or to the name of the prophet (par. 41), or to all these combined. Qaçàl signifies a sacred song or a collection of sacred songs. From the many English synonyms for song I have selected the word chant to translate qaçàl. In its usual signification hymnody may be its more exact equivalent, but it is a less convenient term than chant. The shaman, or medicine man, who is master of ceremonies, is known as qaçàli or chanter—el cantador, the Mexicans call him. In order to keep in mind his relationship to similar functionaries in other tribes I shall, from time to time, allude to him as the priest, the shaman, or the medicine man, following

the example of other authors. To all ceremonies of a character similar to this the term qaçàl is applicable. It would seem from this that the Navajo regard the song as the chief part of the ceremony, but since the Americans, as a rule, regard all Indian ceremonies as merely dances and call them dances, I will, out of deference to a national prejudice, frequently refer to the ceremony as a dance.

3. Sometimes the collective rites and amusements of the last night are spoken of as ilnasjíngo qaçàl, or chant in the dark circle of branches, from *il*, branches of a tree; *nas*, surrounding, encircling; *jin*, dark; and *go*, in. The name alludes to the great fence of piñon branches, erected after sunset on the last night, to receive the guests and performers. I shall often refer to this inclosure as the corral. Some white men call the rites I describe the "corral dance," but more usually they call them the "hoshkàwn dance," from one of the minor performances of the last night, the hackàn-inçá', or act of the *Yucca baccata*, a rite or drama which seems to particularly excite the Caucasian interest. To such minor acts the terms inçá' and alìli are applied; these may be translated dance, show, act, or exhibition.

4. The purposes of the ceremony are various. Its ostensible reason for existence is to cure disease; but it is made the occasion for invoking the unseen powers in behalf of the people at large for various purposes, particularly for good crops and abundant rains. It would appear that it is also designed to perpetuate their religious symbolism. Some of the shows of the last night are undoubtedly intended to be dramatic and entertaining as well as religious, while the merely social element of the whole affair is obvious. It is an occasion when the people gather to have a jolly time. The patient pays the expenses and, probably in addition to the favor and help of the gods and the praise of the priesthood, hopes to obtain social distinction for his liberality.

5. This, like other great rites of the Navajo, is of nine days' duration. Some of these rites may take place in the summer; but the great majority of them, including this dsilyídje qaçàl, may be celebrated only in the winter, in the season when the thunder is silent and the rattlesnakes are hibernating. Were they to tell of their chief gods or relate their myths of the ancient days at any other time, death from lightning or snake-bite would, they believe, be their early fate.

6. While in New Mexico I sometimes employed a very liberal minded Navajo, named Juan, as a guide and informant. He had spent many years among Americans, Mormons, and Mexicans, and was, I imagined, almost perfectly emancipated from his "early bias." He spoke both English and Spanish fairly. On one occasion, during the month of August, in the height of the rainy season, I had him in my study conversing with him. In an unguarded moment, on his part, I led him into a discussion about the gods of his people, and neither of us had noticed a heavy storm coming over the crest of the Zuñi Mountains, close by. We were just talking of Estsánatlehi, the goddess of the west, when

the house was shaken by a terrific peal of thunder. He rose at once, pale and evidently agitated, and, whispering hoarsely, "Wait till Christmas; they are angry," he hurried away. I have seen many such evidences of the deep influence of this superstition on them.

7. When the man (or the woman) who gives the entertainment concludes he is sick and that he can afford to call a shaman, it is not the latter who decides what particular rites are best suited to cure the malady. It is the patient and his friends who determine this. Then they send for a man who is known to be skilled in performing the desired rites, and it is his province merely to do the work required of him.

8. Before beginning to describe the ceremonies it will be well to relate the myth accounting for their origin.

MYTH OF THE ORIGIN OF DSILYÍDJE QAÇÀL.

9. Many years ago, in the neighborhood of Dsilyi'-qojòni, in the Carrizo Mountains, dwelt a family of six: the father, the mother, two sons, and two daughters. They did not live all the time in one locality, but moved from place to place in the neighborhood. The young men hunted rabbits and wood rats, for it was on such small animals that they all subsisted. The girls spent their time gathering various wild edible seeds.

10. After a time they went to a place called Tse'-biçàï (the Wings of the Rock or Winged Rock), which lies to the east of the Carrizo Mountains, on a plain. When they first encamped there was no water in the vicinity and the elder brother went out to see if he could find some. He observed from the camp a little sandy hillock, covered with some vegetation, and he determined to see what sort of plants grew there. Arrived there, he noticed a spot where the ground was moist. He got his digging stick and proceeded to make a hole in the ground. He had not dug long when the water suddenly burst forth in great abundance and soon filled the excavation he had made. He hastened back to the camp and announced his success. When they left the Carrizo Mountains it was their intention to go to ȹepéntsa, the La Plata Mountains, to hunt for food, and their halt at Tse'-biçàï was designed to be temporary only; but, now that they had found abundance of water, the elder brother counseled them not to hasten on, but to remain where they were for a while. The spring he developed still exists and is known to the Navajo as Çobinàkis, or the One-Eyed Water.

11. The spring was some distance from the camp, and they had but one wicker water bottle; so the woman, to lighten her labor, proposed that they should move their goods to the vicinity of the spring, as it was her task to draw the water. But the old man counseled that they should remain where they were, as materials for building were close at hand and it was his duty to erect the hut. They argued long about it; but at length the woman prevailed, and they carried all their property

down close to the spring. The elder son suggested that it would be well to dig into the soft sandy soil, in order to have a good shelter; so the old man selected a sandy hillock, overgrown with grease-wood, and excavated it near one edge, digging straight down, so as to have a wall on one side.

12. They had a stone ax-head, with a groove in it. Around this they bent a flexible twig of oak and tied it with the fibers of the yucca, and thus they made a handle. The first day after the spring was found the young men went out and chopped all day, and in the evening brought home four poles, and while they were gone the old man dug in the hillock. The next day the young men chopped all day, and at night returned with four more poles, while their father continued his digging. They worked thus for four days, and the lodge was finished. They made mats of hay to lie on and a mat of the same material to hang in the doorway. They made mats of fine cedar bark with which to cover themselves in bed, for in those days the Navajo did not weave blankets such as they make now. The soles of their moccasins were made of hay and the uppers of yucca fibers. The young men were obliged to go hunting every day; it was only with great labor they could keep the house supplied with meat; for, as has been said, they lived mostly on small animals, such as could be caught in fall traps. These traps they set at night near the burrows, and they slept close to the traps when the latter were set far from home. They hunted thus for four days after the house was finished, while their sisters scoured all the country round in search of seeds.

13. With all their work they found it hard to make a living in this place. The land was barren; even rats and prairie dogs were scarce, and the seed bearing plants were few. At the end of the fourth day they held a consultation, and the old man said they would do better to move on to the San Juan River, where food was more abundant, and they could trap and gather seeds as they traveled. They determined to leave, and next morning broke camp. They journeyed on till they reached the banks of the San Juan. Here they found abundance of tciltcin (fruit of *Rhus aromatica*) and of grass seeds, and they encamped beside the river at night.

14. Next day they traveled up the stream to a place called Tse'çqàka, and here again they halted for the night. This place is noted for its deposits of native salt. The travelers cut some out from under a great rock and filled with it their bags, made out of the skins of the squirrels and other small animals which they had captured. Thence they followed up the river to Tse'¢ezá' (Rock Sticking Up), and thence to Çisyà-qojòni (Beautiful Under the Cottonwoods), where they remained a day and killed two rabbits. These they skinned, disemboweled, crushed between two stones, bones and all, so that nothing might be lost, put them into an earthen pot to boil, and when they were sufficiently cooked they added some powdered seeds to make a thick soup; of all this they

made a hearty meal. The Navajo then had neither horses nor asses; they could not carry stone metates when they traveled, as they do now; they ground their seeds with such stones as they could find anywhere. The old man advised that they should cross the river at this point and he directed his sons to go to the river and look for a ford. After a time they returned and related that they had found a place where the stream was mostly knee deep, and where, in the deepest part, it did not come above their hips, and they thought all would be able to cross there. The father named the hour of bihilçòhigi (when it gets warm, i. e., about 10 a. m.), on the morrow, as the time they should ford the San Juan; so next morning at the appointed time they crossed. They traveled up the north bank until they came to a small affluent whose source was in ȼepéntsa. Here they left the main river and followed the branch until night approached, when they made camp.

15. They moved on next day and came close to ȼepéntsa, to a soil covered with tracks of deer and of other great animals of the chase. Here they encamped, and on the following morning the young men set out by different ways in the direction of the mountain to hunt; but at night they returned empty handed. Thus they hunted four days unsuccessfully. Every day while his sons were gone the old man busied himself cutting down saplings with his stone ax and building a house, and the daughters gathered seeds, which constituted the only food of the family. As the saplings were abundant and close to the camp, the old man built his house fast, and had it finished at nightfall on the fourth day, when his sons returned from their fruitless labors. They entered the lodge and sat down. They were weary and hungry and their bodies were badly torn by the thorns and thick copse of the mountains. Their father spoke not a word to them as they entered; he did not even look at them; he seemed to be lost in deep contemplation; so the young men said nothing, and all were silent. At length the old man looked up and broke the silence, saying, "Aqalàni cactcini!" (Welcome, my children.) "Again you have returned to the lodge without food. What does it avail that you go out every day to hunt when you bring home nothing? You kill nothing because you know nothing. If you had knowledge you would be successful. I pity you." The young men made no reply, but lay down and went to sleep.

16. At dawn the old man woke them and said: "Go out, my children, and build a sweat-house, and make a fire to heat stones for the bath, and build the sweat-house only as I will tell you. Make the frame of four different kinds of wood. Put kaç (juniper) in the east, tse'isçázi (mountain mahogany) in the south, ȼestsì^{n} (piñon) in the west, and awètsal (cliff rose) in the north; join them together at the top and cover them with any shrubs you choose. Get two small forked sticks, the length of the forearm, to pass the hot stones into the sweat-house, and one long stick to poke the stones out of the fire, and let all these sticks be such as have their bark abraded by the antlers of the deer. Take

of all the plants on which the deer most like to browse and spread them on the floor of the sweat-house, that we may sit on them." So they built the lodge as he directed, and lit the fire and heated the stones. While they were transferring the hot stones from the fire to the lodge the old man brought out the mats which they used for bedding, and when all the stones had been put in he hung the mats, one on top of another, over the doorway. This done the three men went into the sudatory and sat down to sweat, uttering not a word. When they had perspired sufficiently they came out and sat down in silence until they were again ready to submit themselves to the heat. In this way they sweated themselves four times, keeping all the time a perfect silence, until they emerged for the last time, when the old man directed his daughters to dig some soap root and make a lather. In this he bade his sons wash their hair and the entire surface of their bodies well. When they were thoroughly cleansed, he sent them out to set twelve stone fall traps, a task which occupied all the rest of the day. For each trap they buried a flat stone with its upper side on a level with the surface of the ground; on this they sprinkled a little earth, so that the rat would suspect nothing; over this they placed another flat stone, leaning at an angle and supported by a slender stick, to which were attached berries of the aromatic sumac as a bait. That night the young men sat up very late talking with their father, and did not lie down to sleep until after midnight, when, as their father directed, they lay side by side with their heads to the east.

17. The elder brother arose early, stirred the embers and made a fire, and soon the younger awoke. As they sat by the fire warming themselves, the elder one said: "Younger brother, I had a dream in the night; I dreamt I killed a buck deer." And the younger replied: "Elder brother, I, too, had such a dream, but that which I killed was a doe." The old man heard their words and rose, saying, "It is well, my children; go out and try again." They went out to visit their traps. The first one they came to had fallen; they lifted the stone and found under it the body of a rat. So each one in turn, as they visited it was found to have fallen, killing in its fall some small animal; and they returned to the lodge with twelve little creatures for their food. Then the old man told them to take their bows and arrows and hunt for deer. "Hunt," said he, "to the east, the west, and the north, if you will, but do not pass to the south of the lodge." With these instructions they set out, each one in a different direction. The elder brother had not traveled far when he saw a herd of deer and shot one of the number. He skinned it, cut it up, took the backbone, hide, and tallow, and hung the rest in a tree. As he drew near the house, he saw his younger brother approaching from a different direction with the hide and meat of a doe. When they entered the hut, the old man asked which of the two deer was shot first. The elder brother answered: "I think mine was, for I killed it early this morning, soon after I left the house."

"Well," said the father, "this skin of the first slain is mine; go and stretch it and dry it for me with care." After this they went out hunting every day for twelve days, but fortune seemed to have deserted them; they killed no more game; and at the end of that time their supply of meat was exhausted. Then the old man said: "It always takes four trials before you succeed. Go out once more, and if you kill a deer do not dress it, but leave it as it is."

18. On the following day they left the lodge together and did not take separate trails. Soon they killed a deer, and the younger brother said: "What shall we now do with it, since our father has told us not to skin it and not to cut it up?" The elder brother said: "I know not. Return to the lodge and ask our father what we must do." Then the younger brother returned to his father and the latter instructed him thus: "Cut the skin around the neck; then carefully take the skin from the head, so as to remove the horns, ears, and all other parts, without tearing the skin anywhere. Leave such an amount of flesh with the nose and lips that they will not shrivel and lose their shape when they dry. Then take the skin from the body, which skin will again be mine. One of you must take out the pluck and carry that in the hide to me; the other will bring the skin of the head and the meat. Let him who bears the pluck come in advance, and stop not till he comes directly to me, and he must hand it to me and to no one else." The younger brother went back and told all this to the elder. They dressed the deer as they were bidden; the younger put the pluck in the skin and went in advance, and the elder followed with the venison and the skin of the head. When they reached the hogán, the father said: "Where is the atcai?" (pluck) and the younger said: "It is in the skin." "Take it out," said the old man, "and hang it on yonder mountain mahogany." The young man did as he was bidden. The father advanced with his bow and arrow and handed them to the elder brother, who placed the arrow on the string and held the bow. The old man put his hands on top of those of his son and together they drew the bow. The former took careful aim at the pluck and let the arrow fly. It struck the object and penetrated both heart and lungs so far that the point protruded on the opposite side. Then the old man told his son to seize the arrow by the point and draw it completely through, which was done. Next he made his son stand close to the pluck, looking towards it, and while his son was in this position he blew on him in the direction of the pluck. "Now," said the father, "whenever you want to kill a buck, even if there is neither track nor sign of deer in sight, you have only to shoot into the tse'isçázi (mountain mahogany, *Cercocarpus parvifolius*) and you will find a dead deer where your arrow strikes; while if you wish to kill a female deer you will shoot your arrow into the awètsal (cliff rose, *Cowania mexicana*) and you will find a doe there." When all this was done they prepared the skin of the head, under the old man's directions. To keep the skin of the neck open they put into it a wooden hoop.

They sewed up the mouth, left the eyeholes open, stuffed the skin with hay, and hung it in a tree to dry, where it would not get smoky or dusty. They cut places in the neck through which the hunter might see. The skin of the doe which the younger brother had killed some time before, and which had been tanned in the mean time, they painted red and gray, to make it look like the skin of an antelope. They prepared two short sticks, about the length of the forearm; these were to enable the hunter to move with ease and hold his head at the proper height when he crept in disguise on the deer. During the next four days no work was done, except that the elder brother practiced in imitating the walk of the deer.

19. From the camp where these things happened they moved to a place called Tse'-lakàï-iá' (White Standing Rock). Before they went to hunt or gather seeds, the old man desired that they should all help to build the hogán (hut); so all went to work together, men and women, and the hogán was completed, inside and outside, in four days.

20. The morning following the completion of the hogán, the father sent the young men out again, directing them, as before, not to go to the south. They went off together, and soon espied a herd of deer. The elder brother put on the deer mask and began to imitate the motions of the animal, asking his younger brother what he thought of the mimicry. When the latter gave his approval, the elder brother said, "Steal round to the other side of the herd and when they see you they will come in my direction." He waited, and when he saw that his brother had got to the other side of the herd, he selected a big fat buck as his special object, and began to move towards him, walking and pawing the ground like a deer, and rubbing his antlers against the trees. Soon the buck began to approach the hunter, but the latter kept his head constantly turned toward the deer the better to maintain his disguise. Presently the buck came quite close to the Indian, when the latter sped his arrow and brought the quarry down. They carried the meat home and the old man demanded that the meat and skin should all be his in payment for his advice. This was the third time he had advised them and the third time he had received a gift for his service. He directed that the meat should be cut into pieces and hung in the trees to dry, and that the skin should be stretched and dried for his bed.

21. Next day the elder brother desired the younger to stay at home, saying that he would like to hunt alone. As usual, the old man warned him against the south and directed him to hunt in the country north of the hogán. He set out, accordingly, to the north; but he returned at night without any game. Again on the following morning he set out alone, and this time went to the west, as his father had directed. He hunted all day without success, until near sunset, when it was time for him to return. Then he remembered what his father had told him of the shrubs that would always have deer for his arrow. Looking around he saw a cliff rose, into which he shot his dart, and at the same instant

he observed a deer falling in the shrub. He ran to the spot and found a dead doe. When he had skinned and dressed it, he could discover no high tree at hand that he might hang it on to keep it safe from the wolves, so he laid the meat on the top of the cliff rose, spread the skin over it, stuck an arrow upright on the top of it, and went home. On his way he often said to himself, "Why does my father bid me never to go to the south?" He pondered much on the subject, and before he reached the hut he had determined to satisfy his curiosity and to go to the south on the first good opportunity. When he got home he told where he had laid the meat, and, fearing that the crows or coyotes might get at it, he begged his brother to hasten and bring it in. When the meat came he asked that a piece might be broiled for his lunch on the hunt next day. All that night the thought of his father's prohibition continued to haunt his mind and would not be dismissed.

22. On the morrow, when he went forth on his hunt, his father gave him the usual injunctions, saying: "Hunt in any direction from the lodge that you will; but go not to the south." He departed as if he were going to the east; but when he got out of sight from the hogán he turned round to the south and pursued his way in that direction. He went on until he came to the San Juan River, and he forded it at a place a little above Beautiful Under the Cottonwoods, where they had crossed it before. He went on to a place called Tyèl-saka¢ (Erect Cat-Tail Rushes) and thence to a place called Dsiskí¢ (Clay Hill). Here he laid his deer skin mask and his weapons on the ground and climbed the hill to observe the surrounding country for game. But instead of looking south in the direction in which he was going he looked to the north, the country in which dwelt his people. Before him were the beautiful peaks of ¢epéntsa, with their forested slopes. The clouds hung over the mountain, the showers of rain fell down its sides, and all the country looked beautiful. And he said to the land, "Aqalàni!" (greeting), and a feeling of loneliness and homesickness came over him, and he wept and sang this song:

That flowing water! That flowing water!
My mind wanders across it.
That broad water! That flowing water!
My mind wanders across it.
That old age water! That flowing water!
My mind wanders across it.

23. The gods heard his song and they were about to gratify his wishes. He was destined to return to ¢epéntsa, but not in the manner he most desired. Had he gazed to the south when he ascended the hill, instead of to the north, it might have been otherwise.

24. He wiped away his tears and went down to the place where he had laid his mask and arms at the foot of the hill. He put on his buckskin coat and was just putting on his mask, but had not quite drawn it down over his head, when he heard a noise to the south and, looking

around, he saw a great crowd on horseback riding towards him. To see better he drew off his mask, and then observed that they were dividing into two lines as they advanced; a moment later he was surrounded. The horsemen were of the tribe of Ute, a people whose language he did not understand. One young man rode up close to the Navajo, aimed an arrow at the breast of the latter and drew it to the head; but just as he was about to release it an old man began to address the party in a loud voice and the young warrior lowered his arrow and relaxed his bow. Then the speaker dismounted, approached the captive, and seized him by the arm. For a long time there was much loud talking and discussion among the Ute. Now one would harangue the party and then another would make a speech, but after a while the dispute ceased and the old man motioned to the Navajo to move on. They made him trot while they followed him on horseback in a semicircle, so that they could guard him and watch his movements. Soon they came to Tyèl-saka¢; shortly afterward they crossed the San Juan. That night they camped near ¢epéntsa, where they watched him closely all night and gave him nothing to eat. They bound his feet firmly together, tied his hands behind his back, and threw an untanned buckskin over him before they lay down to sleep.

25. They set out on their journey again early in the morning. At Çòinçeski' (Scattered Springs) they stopped for a little while to eat, but the only food they gave the Navajo was the full of his palm of service berries. When they arrived on the south side of Çòtsosi (Narrow Water) they halted for the night and a number went out to hunt. Among them they secured two deer, one large and one small; the feet of these they gave to their captive for his supper. Next morning they gave him a piece of liver, half of which he ate and the rest he kept. They moved on rapidly and rested for the night at Dsil-nahoyàl, where there was a spring. They had given him nothing to eat all that day, and at night they gave him nothing; so it was well for him that he had secreted part of the liver. This he ate after dark. On the third morning he had to set out fasting and had to go on foot as usual. About noon, however, one of the Ute took pity on him and lent him a horse to ride, while the owner of the horse walked all the afternoon. That night they arrived at the bank of a large river, and here they gave him to understand, by signs, that this was the last river they would cross until they got home. Beyond the river there was nothing in sight but a great plain.

26. By the light of the morning, however, on the next day, he discerned some mountains showing their points faintly above the northern horizon. To these the Ute pointed and motioned to him to go ahead. They did not follow him immediately; but saddled up at their leisure while the Navajo went on. Though he was now for some time alone on the trail and out of sight of his captors, he knew that he could not escape; all around and before him was a desert plain where he could

not discover a single hiding place; so he trudged on, tired and hungry and sorrowing, and he wept all along the way. At noon they gave him another handful of berries.

27. At night they came to a plain situated between four mountains, one on the east, one on the south, one on the west, and one on the north, and here there was a great encampment of Ute, whose tents were scattered around in different places on the plain. There was one tent whose top was painted black and whose base was painted white and which had a forked pole set in the ground in front of it. To this his master, the old man who had saved his life and taken him by the arm on the occasion of his capture, led him, while the rest of the war party departed to their respective tents. The old man hung his own arms and accouterments on the pole, and the slave, following his example, hung his deer skin mask and robe on the forks and laid his crutches against the pole, and he prayed to the head of the deer, saying:

> Whenever I have appealed to you, you have helped me, my pet.
> Once you were alive, my pet.
> Take care that I do not die, my pet.
> Watch over me.

When he had finished his prayer an old man came and danced around him, and when the latter had done an old woman approached with a whistle in her hand and she whistled all around him. This was for joy because they had captured one of an alien tribe. Then his master motioned to him to go into the tent. Here he was given a large bowl of berries of which he ate his fill, and he was allowed to lie down and sleep undisturbed until morning.

28. Next morning the Ute began to enter the tent. They came one by one and in small groups until after a while there was a considerable crowd present. Then they gave the Navajo to understand by signs that they wished to know for what purpose he wore the mask and the buckskin. He answered that he used them for no particular purpose, but only for a whim. They repeated the question three times very pointedly and searchingly, but he continued to make evasive replies. The fourth time they addressed him they charged him to tell the truth and speak quickly, reminding him that he was a prisoner whose life was in the hands of his captors and telling him that if he did not disclose the use of his mask and robe he would be killed before sunset, while if he revealed the secret his life would be spared. He pondered but a short time over their words and determined to tell them the truth. So he explained to them the use of the mask and the robe in deceiving the deer and told the wonderful power he had of getting game by shooting into certain bushes. At dark they sent in two young men to be initiated into his mysteries. He began by giving them a full account of all his father had done and all he had shown him; he then taught them how to build the sweat-house, how to make the mask, how to shoot the pluck, and how to walk like a deer, and he made them prac-

tice the walk and the motions of the animal. All this occupied eleven days.

29. On the twelfth day the Ute went out to hunt, leaving few men in camp. There was a small inclosure of brushwood close to the tent; in it were two high poles on which skins were dressed. His master left him, that day, two skins to prepare, and he set to work at them and labored hard scraping and rubbing them until about noon, when he felt hungry and went into the tent to see if he could find anything to eat. He opened a bag and found it to contain dried meat; he put some of this on the coals and sat down to wait till it was done. As he watched the meat cooking he heard a noise at the deer skin door of the tent and, looking up, he beheld an old woman crawling in on her hands and knees. She passed once around the fire and went out at the door again, but before she disappeared she turned her head and addressed him, saying: "My grandchild, do something for yourself." He paused a moment in wonder at the strange vision he had seen and the strange words he had heard, and then he rushed out of the tent to follow his visitor and see who she might be. He went around the tent four times; he gazed in every direction; but no one was to be seen. During the rest of the day he worked but little. Occasionally he took up a stone and rubbed the hides; but most of the time he walked and loitered around, busy with his thoughts.

30. After sunrise the hunters returned with an abundance of meat. They came to the great lodge where the master of the Navajo dwelt; they extended its circumference by removing the pegs at the bottom; they stored the goods of the owner away at the outer edge, so as to leave a clear space in the center, and made everything ready for the reception of a large number of guests. After dark a great number gathered in the tent and the captive was ordered by his master to bring some water. He took two wicker bottles to a neighboring spring, filled them, and laid them on the ground beside the spring, while he went to gather some plants to stick into the mouths of the bottles as stopples. As he went he heard a voice saying "Hist!" and looking in the direction whence it came he saw a form sitting in the water; it wore a mask like the head of a great owl and it was smoking a pipe. When he turned towards it, it said, "You walk around like one without sense or knowledge. Why don't you do something for yourself? When next you hear my voice it will be well for you if you walk towards it."

31. The voice ceased and the form of the owl-man vanished. Then the Navajo put the stopples into the vessels and carried them back. When he returned he observed that two large dogs were tied to the door, one on each side, and that three doors had been added to the lodge during his absence, so that now there were four doors covering the doorway. When he entered he found the lodge filled with Ute and he saw four bags of tobacco and four pipes lying near the fire, one at each cardinal point of the compass. He observed a very old man and a very

old woman seated at the door, one on each side. A cord tied to the old woman passed round the edge of the lodge on one side, behind the spectators, to the west, and another cord, tied to the man, passed round on the opposite side of the lodge. His master bade him sit down in the west, and when he was seated one of the cords was tied to his wrists and one to his ankles, and thus he was secured to the old pair.

32. Now he feared more than ever for his safety; he felt sure that his captors contemplated his death by torture. The pipes were lit and the council began. The talking in the strange tongue that he could not understand had lasted long into the night, when he fancied that he heard the voice of the Yèbitcai (Anglicized, Yày-bi-chy or Gay-bi-chy) above the din of human voices, saying "hu'hu'hu'hu" in the far distance. He strained his attention and listened well, and after a while he felt certain that he heard the voice again nearer and louder. It was not long until the cry was repeated for the third time, and soon after the captive heard it once more, loudly and distinctly, immediately to the west of the lodge. Then there was a sound as of footsteps at the door, and the white lightning entered through the smoke-hole and circled around the lodge, hanging over the heads of the council. But the Ute heard not the voice which the Navajo heard and saw not the vision he beheld. Soon the Yàybichy (Qastcèëlçi) entered the lodge and standing on the white lightning, said: "What is the matter with you, my grandchild? You take no thought about anything. Something you must do for yourself, or else, in the morning you will be whipped to death—that is what the council has decided. Pull out four pegs from the bottom of the tent, push it open there, and then you can shove things through." The Navajo answered, "How shall I do it? See the way I am tied! I am poor! See how I am wound up!" But Qastcèëlçi again said: "When you leave, take with you those bags filled with embroideries and take with you tobacco from the pouches near the fire." Scarcely had Qastcèëlçi disappeared when the Navajo heard a voice overhead, and a bird named qoccòǫi flew down through the smoke hole, hovered four times around the lodge over the heads of the Ute, and departed by the way it had entered. In a moment after it had

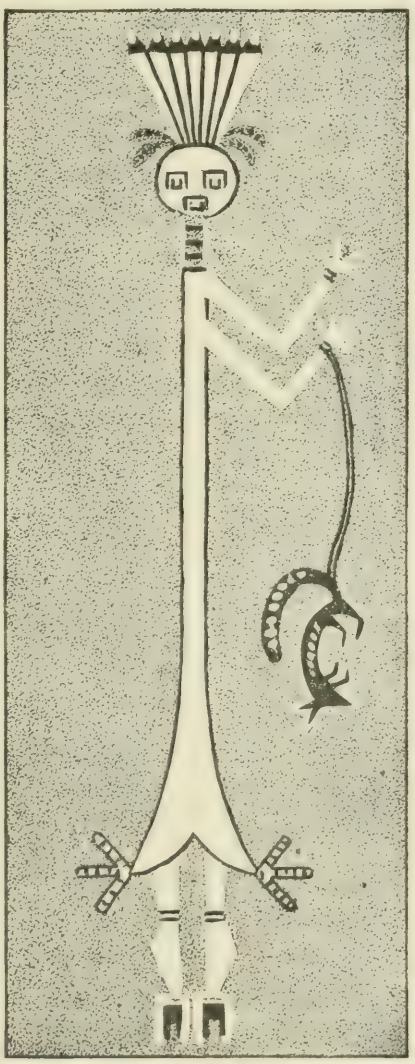


FIG. 50. Qastcèëlçi, from a dry painting of the klèdji-qaçàl.

disappeared a few of the Ute began to nod and close their eyes; soon the others showed signs of drowsiness; some stretched themselves out on the ground overpowered with sleep; others rose and departed from time to time, singly and in little groups, to seek their lodges and repose there. The last to drop asleep were the old man and the old woman who sat at the door; but at length their chins fell upon their bosoms. Then the Navajo, fearing no watchers, went to work and loosened the cords that bound him; he lifted, from the inside, some of the pegs which held the edge of the tent, and shoved out the two bags of embroideries which Qastcèëlçi had told him to take. Passing out through the door of the lodge, where he found both the watch-dogs sound asleep, and taking with him the cords with which he had been tied and some of the tobacco, he went round to the back of the lodge, where he had put the bags; these he tied with the cords in such a manner that they would make an easily balanced double bundle. He shouldered his bundle and was all ready to start.

33. At this moment he heard, at a little distance to the south of where he stood, the hoot of an owl. Instantly recollecting the words of the owl-like form which he had encountered at the spring at night-fall, he set off in the direction from which the call proceeded. He had not walked far until he came to a precipitous bluff formed by two branching cañons, and it seemed at first impossible for him to proceed farther. Soon, however, he noticed a tall spruce tree, which grew beside the precipice from the foot to the summit, for the day had now begun to dawn and he could see objects more clearly. At this juncture Qastcèëlçi again appeared to him and said: "How is it, my grandchild, that you are still here? Get on the top of that spruce tree and go down into the cañon on it." The Navajo stretched out his hand to seize the top of the tree, but it swayed away from his grasp. "See, my grandfather," he said to Qastcèëlçi, "it moves away from me; I cannot reach it." Then Qastcèëlçi flung the white lightning around the top of the tree, as an Indian flings his lasso around the neck of a horse, and drew it in to the edge of the cliff. "Descend," he commanded the Indian, "and when you reach the bottom take four sprays from the tree, each from a different part. You may need them in the future." So the Navajo went down, took the four sprays as he was bidden and put them under his robe.

34. At the base of the bluff he again met Qastcèëlçi, and at this moment he heard a noise, as of a great and distant tumult, which seemed to come from above and from beyond the edge of the cliff whence they had descended. From moment to moment it grew louder and came nearer, and soon the sounds of angry voices could be distinguished. The Ute had discovered the flight of their captive and were in hot pursuit. "Your enemies are coming for you," said the divine one; "but yonder small holes on the opposite side of the cañon are the doors of my dwelling, where you may hide. The bottom of the cañon is strewn

with large rocks and fallen trees; it would take you much time and hard labor to get over these if I did not help you; but I will do something to make your way easy." As he said this he blew a strong breath, and instantly a great white rainbow spanned the cañon. The Navajo tried to step on this in order to cross, but it was so soft that his feet went through; he could not step on it. Qastcèëlçi stood beside him and laughed at his fruitless attempts to get on the rainbow. After he had enjoyed this sport sufficiently the ye (Anglicized, gay or yay) blew another strong breath, when at once the rainbow became as hard as ice and they both crossed it with ease. When they reached the opposite wall of the cañon Qastcèëlçi pointed to a very small hole in the cliff and said, "This is the door of my lodge; enter!" By this time the shouts of the Ute sounded very loud in the ears of the terrified fugitive and it seemed to him that his pursuers must have reached the edge of the opposite cliff, where they would not be long before they would see him; still, hard as he tried to enter the cave, he could not succeed; the hole was not big enough for him to put his head in. The Yàybichy roared with laughter and slapped his hands together as he witnessed the abject fear and the fruitless efforts of the Navajo. When he had laughed enough he blew on the little hole and it spread instantly into a large orifice, through which they both entered with ease. They passed through three rooms and stopped in the fourth. Here Qastcèëlçi took the bags from the back of the Navajo, opened them, and drew from them some beautifully garnished clothing—a pair of moccasins, a pair of long-fringed leggings, and a shirt. He arrayed himself in these and went out, leaving the Navajo in the cave. As soon as his rescuer was gone the fugitive heard loud noises without and the sound of many angry voices, which continued for a long, long time. At last they died away and were heard no more. The Ute had tracked him to the edge of the cliff where he got on the tree; but there they lost his trail and searched all the neighborhood to see if they could regain it; hence the noises. When all was silent Qastcèëlçi returned and said, "Your enemies have departed; you can leave in safety." So, taking a tanned elk skin to cover his back and a pair of new moccasins to protect his feet, the Navajo set out from the cave.

35. It was nightfall when he emerged. He turned his face in the direction of his home and walked rapidly all the night. As day dawned he began to feel hopeful; but, ere the sun rose, distant sounds, which grew louder and louder, reached his ear. He knew them to be the voices of his pursuers and again he became sorely afraid. He hurried on and came near the foot of a high isolated pinnacle of rock, whose top appeared to be inaccessible. Glancing to the summit, however, he beheld standing there a black mountain sheep. Thinking that this singular vision was sent to him as a sign from the yays (gods) and boded well for him, he came to the base of the rock, when the sheep addressed him, saying: "My grandson, come around to the other side of the rock and you will

find a place where you may ascend." He went around as he was bidden and saw the cleft in the rock, but it was too narrow for him to climb in it. Then the sheep blew into the cleft and it spread out so wide that he entered it easily and clambered to the summit. Here he found the sheep standing in four tracks, marked or sunken in the rock, one hoof in each track, and under the center of his body was a small hole in the rock. Into this hole the sheep bade him enter; but he replied that the hole was too small. Then the sheep blew on the hole and it spread so wide open that both the man and the sheep entered easily and descended into the heart of the rock. Here there were again four apartments; two of them were blue and two were black; rainbows extended in all directions through them. In the fourth room, which was black, the sheep left the Navajo to rest, and departed. Soon the fugitive heard, as on the previous day, when he lay hidden in the cave of Qastcèëlçi, the voices of the angry Ute calling and haranguing all around the rock, and he continued to hear them for a very long time. Soon after the clamor ceased the sheep returned to him to notify him that his enemies had withdrawn and that he could set out on his journey again without fear.

36. He journeyed homeward all the night, and when daylight began to appear he found himself on the banks of the stream where the Ute slept the night before they reached their tents, when they bore him home a captive. Here again he heard in the distance the voices of his pursuers and he hastened his steps. Presently he met a little old man sitting on the ground and cleaning cactus fruit. The old man had a sharp nose, little bright eyes, and a small moustache growing on each side of his upper lip. At once the Navajo recognized him as the Bush-rat (*Neotoma mexicana*). The latter asked the traveler where he came from. "Oh, I am just roaming around here," was the answer. But the rat, not satisfied, repeated his question three times, in a manner which gave the Navajo to understand that his answer was not credited. So at last he answered truthfully that he was a Navajo who had been captured by the Ute, and that he was fleeing homeward from his captors, who were at that moment close behind him in pursuit. "It is well," said the rat, "that you have told me this, for I think I can save you. On yonder hillside there is a flat rock, and round about it are piled many little sticks and stones. It is my home, and I will guide you thither." He led the Indian to the rock and, showing him a small hole under it, bade him stoop low and place his head near the hole. As the Navajo obeyed the rat blew a strong breath on the hole, which at once opened wide enough to let the visitor in. The rat followed immediately behind him as he entered. Inside of the den there were an old woman, two young men, and two young women. These constituted the family of the Bush-rat, who left the den as soon as the stranger was safely housed. Soon the voices of the pursuing Ute were again heard around the rock and at the mouth of the den, and the Navajo sat a long time

in silence listening to them. After a while the rat woman said to him, "You seem to be tired and hungry. Will you have something to eat?" and he answered, "Yes; I am very hungry and would like some food." On hearing this she went into one corner of her dwelling, where were many chips and bones and shells of seeds and skins of fruits, and she brought him some of these and offered them to him; but at this moment the wind god whispered into his ear and warned him not to partake of the refuse; so he said to the woman, "My mother, I can not eat these things." Then she went to another corner of the den, where there was another pile of débris; but again the wind god prompted him and again he refused. After this she visited in turn two other piles of trash in the corners of her lodge and tried to make him accept it as food, but he still rejected it. Now, while he had been sitting in the lodge he had not failed to look around him, and he had observed a long row of wicker jars standing at one side. At one end of the row was a black vessel and at the other end a white vessel. When she at length asked him, "What food is it that you would have, my son?" the wind god whispered to him, "Ask her for that which is in the jars at the end of the row," and he replied, "I will take some food from the black jar and some from the white jar." She removed the stopples from the jars. From the black vessel she took nuts of the piñon and fruit of the yucca and from the white vessel she took cherries and cactus fruit, all of which he received in the folded corner of his elk robe. He was just about to partake of some of the nice fruit when again he heard the low voice of the wind god. This time it said, "Eat not the food of the rats in the home of the rats, if you would not become a rat; wait till you go out to-night." Much as he longed for the food, after hearing this, he tasted it not, but held it in the fold of the elk skin. Late in the day they were all astonished by hearing a loud rattling noise at the mouth of the cave, and, looking in that direction, saw the end of a big stick, which was thrust viciously from time to time into the opening and poked around in different directions; but it was not long enough to reach to the place where they sat. "What is that?" said the woman. "Oh," answered the Navajo, "that is the Ute, who have trailed me to this hole and hope to kill me by poking that stick in here." The old rat watched from a secret place outside all the actions of the Ute, and when he came home at night he asked his family if the stick had hurt any of them. "We saw only the end of it," they replied. He then turned to the Navajo and said, "Your pursuers have disappeared; you may go out without fear."

37. He trudged wearily on all night, and at dawn he was beside the high volcanic rocks at Çòtsosi, another place where his captors had halted with him. There is one place where the rocky wall is quite smooth. As he was passing this place he heard a voice saying, "Sh!" He looked all around him, but saw nothing that could have made the sound. He was about to pass on when he again heard the voice, and,

looking around, he again saw no one. The fourth time that this happened, however, he observed in the smooth part of the rock a door standing open and a little animal called Kleyatcini looking out at him. As he stood gazing at the sharp nose and the bright eyes the distant voices of his pursuers sounded again in his ears and the little animal bade him enter and hide himself. As the Navajo entered the Kleyatcini passed out and closed the door behind him. The fugitive was not long in his place of concealment when the clamor made by the foiled pursuers was again heard, but it ceased sooner than usual. It was not yet sunset when the little animal returned to announce that the Ute had gone from the neighborhood. When the Navajo stepped out of the hole in the rock, Kleyatcini pointed out to him the mountains in which his home lay and counseled him to travel directly towards them.

38. He pursued his way in the direction indicated to him all night, and at break of day he found himself walking between a pair of low hills of clay which stood close together, and once more he heard behind him the voices of his enemies and the trampling of their horses. But now his good friend Qastcèëlçi appeared to him and said to him: "My grandchild, are you still here? Have you come only thus far?" "I am here," cried the Navajo, "and oh, my grandfather, I could do no better. Look at my limbs! See how sore and swollen they are! I am exhausted and feel that I cannot flee much farther before my enemies." "Go, then," said Qastcèëlçi, "to that hill which is the farther from us and climb to the top of it; but, when you are taking the very last step which will place you on the summit, shut your eyes as you make that step." The Navajo hastened to the hill, and, weary as he was, he soon ascended it. As he lifted his foot to take the last step he closed his eyes, as the yay had bidden him. When he felt his foot again on the earth he opened his eyes, and lo! instead of having a little hill under his feet, he stood on the summit of a great mountain peak, seamed with deep cañons, bordered with rugged rocks, and clothed with great forests of pine and spruce; while far away on the plain at the foot of the mountain — so far that he could scarcely discern them — were his baffled pursuers, and beside him stood Qastcèëlçi. The latter pointed out to him many familiar places in the distance — the valley of the San Juan and Dsilyi'-qojòni (Beautiful in the Mountains), where he and his people first lived. He rested securely on the mountain top all day.

39. At sunset he went on his way again. When daylight began to appear he crossed the San Juan. Soon after, while journeying on over an open plain, he once more heard the Ute on his trail. He now felt very sad and hopeless, for his limbs were so stiff and swollen that every motion gave him pain and he could hardly drag himself along. But at this moment he became conscious that he was not alone, and glancing to one side he saw Niltci, the wind god, walking with him. And Niltci brought a great dark whirlwind, which roared a moment beside them and then buried its point in the ground and dug a deep hole

there; it dug a cavern with four chambers. Then dark clouds gathered and rain began to fall. "Have you anything with you that may help you?" asked the god. "I have nothing," said the Navajo, "but four sprays of spruce, which the Yàybichy bade me pluck from the tree on which I descended into the cañon the night I left the Ute camp." "They will do," said the wind god. "Make quickly four balls of mud and thrust through each ball a twig of the spruce, and lay them on the ground so that the tops of the twigs will point towards your enemies." The Navajo did as he was commanded. Then Niltci blew the twigs and mud balls in the direction of the pursuers and told the Navajo to descend into the retreat which the whirlwind had formed. He went down and rested secure, while he heard overhead great peals of thunder, the loud rushing of the tempest, and the heavy pattering of enormous hailstones, to bring which the mud balls had been made. The noises of the storm died away, and about midday Niltci came into the cave and said to the man: "Come forth; your enemies have been dispersed. Many have been killed by the hail, and the rest have gone towards their homes." Then the Navajo came up out of the ground and set out in the direction of his old home at Dsilyi'-qojòni.

40. It was about sunset when he reached the top of the mountain. The snow began to fall heavily and a strong wind began to blow. He walked on to the western brow of the mountain, where there was a great precipice. Here the storm blew with such violence that he could scarcely stand, and yet the precipice was so steep that he did not see how he could get down. But soon, as on a former occasion of this kind, he discovered a spruce tree which grew against the side of the precipice, and at the same time Qastcèëlçi appeared to him again and directed him to go down on the spruce tree. He did so, and when he reached the bottom he found the yay there awaiting him. He addressed Qastcèëlçi: "Oh, my grandfather, I am tired and sore and sleepy. I would like to lie down under this tree and sleep." But the god answered, "Go, my grandchild, to yonder fire and rest," and he pointed to a distant gleam on the side of a mountain which lay beyond a very deep valley. "No, my grandfather," cried the Navajo, "I am weary and my limbs are sore and weak; I can not travel so far." "I will help you," said the yay, and as he spoke he spanned the valley with a flash of lightning, over which he led the man to the distant mountain. They reached it at a point close to the fire; but the moment they stood again on the firm earth Qastcèëlçi and the fire vanished. The man was bewildered and at a loss what to do. He walked around the mountain a short distance and then changed his mind and walked back to the place from which he started. Here he found Qastcèëlçi awaiting him. The yay spoke not a word, but pointed down into the valley and led the way thither. At the bottom of the valley they came to a great hole in the ground; the yay pointed in and again led the way. As they advanced into the cave the air grew warmer. In a little while they discovered a bright

fire on which there was no wood. Four pebbles lay on the ground together: a black pebble in the east, a blue one in the south, a yellow one in the west, and a white one in the north; from these the flames issued forth. Around the fire lay four bears, colored and placed to correspond with the pebbles. When the strangers approached the fire the bears asked them for tobacco, and when the former replied that they had none the bears became angry and thrice more demanded it. When the Navajo fled from the Ute camp he had helped himself from one of the four bags which the council was using and had taken a pipe, and these he had tied up in his skin robe; so when the fourth demand was made he filled the pipe and lighted it at the fire. He handed the pipe to the black bear, who, taking but one whiff, passed it to the blue bear and immediately fell senseless. The blue bear took two whiffs and passed the pipe, when he too fell over in a state of unconsciousness. The yellow bear succumbed after the third whiff, and the white bear, in the north, after the fourth whiff. Now the Navajo knocked the ashes and tobacco out of his pipe and rubbed the latter on the feet, legs, abdomen, chest, shoulders, forehead, and mouth of each of the bears in turn, and they were at once resuscitated. He replaced the pipe in the corner of his robe. When the bears recovered they assigned to the Navajo a place on the east side of the fire where he might lie all night, and they brought out their stores of corn meal and tciltcin and other berries and offered them to him to eat; but Qastcèëlçi warned him not to touch the food and again disappeared. So, hungry as he was, the Indian lay down supperless to sleep. When he woke in the morning the bears again offered food, which he again declined, saying he was not hungry. Then they showed him how to make the bear kethàwns, or sticks to be sacrificed to the bear gods, and they drew from one corner of the cave a great sheet of cloud, which they unrolled, and on it were painted the forms of the yays of the cultivated plants. As he departed the bears said, "There are others in these parts who have secrets to tell you. Yonder is Tsenástci, where many dwell." So he set forth for Tsenástci (Circle of Red Stones.)

41. As he passed down the valley he heard a loud rushing noise behind him, and looking around he beheld a tornado. The air was filled with logs and uprooted trees, borne along by the great storm. It came nearer and seemed to be advancing to destroy him. He was terrified and cried out to the storm: "Ciyèïcçe, Dsilyi' Neyáni. Qaïlàçi?" ("'Tis I, Reared Within the Mountains. Who art thou?") The tempest recognized him and subsided, and in its place appeared four men in the shape of the glòï or weasel. The four weasel men showed him how to make the glòï-bikeçan, or sacrificial sticks of the glòï. What name the Navajo bore before this time the ancient tale does not tell us; but from the moment he said these words he was called among the gods Dsilyi' Neyáni, and was afterwards known by this name among his people.

42. After this adventure he continued on his way to Tsenástci. He had not journeyed far when he met the wind god, who said to him: "Those whom you will meet at Tsenástci are evil ones; therefore I will be with you and will walk before you." When they came to Tsenástci they found a hole in the rocks guarded by two great rattlesnakes, one on each side, and covered by two piñon trees, for a door. When the travelers drew near, the serpents showed signs of great anger, and when the former approached the door the reptiles shook their rattles violently, thrust out their tongues, and struck at the intruders as though they would bite them; but they did not bite. Niltci thrust aside the piñon trees; he and his companions entered, and, when they had passed within, the piñon trees, moving of their own accord, closed the entrance behind them. Within they encountered a bald headed old man who had only a little tuft of hair over each ear. This was Klictsò, the Great Serpent. He asked Niltci who his human companion was, and the wind god answered that he was a Navajo who had been captured by the Ute, but had escaped from them and had suffered many hardships. On hearing this Klictsò showed the Indian how to make the kethàwns, now known to the Navajo shamans as klictsò-bikeçan, or sacrificial sticks of the Great Serpent, and he told him how to plant these sacrifices.

43. From the home of Klictsò they went to a place called Tse'binàyol (Wind Circles Around a Rock). When they drew near the place they heard loud peals of thunder and the lightning struck close to them in four different places. They were now approaching the home of the lightning gods; this is why destruction by the thunderbolt seemed to threaten them. Then the Navajo spoke to the lightning, as he had formerly spoken to the whirlwind, saying, "'Tis I, Reared Within the Mountains. Who art thou?" whereat the thunder and the lightning ceased, and the travelers walked on until they entered a house of black clouds, inside of a mountain, which was the house of I'ɬnì', the Lightning. He was bald, like the Great Serpent, having only a little tuft of hair over each ear. At each of the four sides of the room where I'ɬnì' sat was a lightning bird; that in the east was black, that in the south was blue, that in the west, yellow, and that in the north, white. From time to time the birds flashed lightning from their claws to the center of the room where the god sat, and the lightning was of the same color as the bird that emitted it. When the travelers entered I'ɬnì' said to Niltci, "Who is this that you have brought with you?" The latter answered, "It is a Navajo who has been a captive with the Ute and has escaped. He has suffered much. See how his knees and ankles are swollen." Then the Lightning showed him two kethàwns, such as the shamans now sacrifice under the name of i'ɬnì'-bikeçan, or sacrificial sticks of the lightning, and, having instructed him how to make and to plant these, he bade his visitors depart.

44. The next place they reached on their journey was Sàï hyitsòzi (Narrow Sand Hills). They entered the hill and came to the house of Kaɸlùgi, the Butterfly, a dwelling filled with butterflies and rainbows. They found Kaɸlùgi and his wife sitting there, and also Atsòs-bebagàni (House of Feathers), who wore black leggins. Here Niltci disappeared and the woman had to put her questions to the Navajo. She inquired, as the others had done, who he was, and he briefly told her his story. She arose, went out, and presently returned with a large basin made of a beautiful white shell; this was filled with water and soap root. She laid it before the Navajo, saying, "You are about to visit some fair and beautiful people, and it is proper that you should bathe your body and wash your hair well." When he had finished his bath he of the house of feathers took fine corn meal and applied it to the feet, the knees, the abdomen, and the other parts of the body which are usually touched in healing ceremonies. Then, under the directions of Atsòs-bebagàni, the Navajo rubbed his whole body with meal to dry himself and painted his face white with glec (white earth). House of Feathers next brought in small bundles of the following plants: tcilɸelgísi (*Gutierrezia euthamiæ*), çoikal (*Artemesia trifida*), tséji, and tlo'nasçási (*Bouteloua hirsuta*), burned them to charcoal, and directed the Indian to blacken his legs and forearms with this substance. When this was done he put spots of white on the black, and, in short, painted him as the akáninili, or courier (Fig. 52) sent out to summon guests to the dance, is painted to this day in the ceremonies of the dsilyídje qaçàl. When the painting was done Kaɸlùgi Esçàya (Butterfly Woman) took hold of his hair and pulled it downward and stretched it until it grew in profusion down to his ankles. Then she pressed and worked his body and face all over until she molded him into a youth of the most beautiful form and feature. They gave him fine white moccasins and a collar of beaver skin with a whistle attached to it; they put the kà·basçan, or plumed sticks to represent wings, on his arms, and altogether dressed and adorned him as the akáninili is dressed and adorned. The woman gave him white corn meal mixed with water to eat, and he slept all night in the house of the butterflies. In the morning the woman (or goddess, as we might better call her) laid two streaks of white lightning on the ground and bade him stand on them with one foot on each streak. "Now," she said, "the white lightning is yours; use it how and when you will." Then she told him to go to the top of the hill in which their house lay. When he ascended he found another house on the top, and in it he again met Kaɸlùgi and his wife, who awaited him there. He observed a streak of white lightning that spanned a broad valley, stretching from the hill on which he stood to a distant wooded mountain. "There," said Kaɸlùgi Esçàya, pointing to the lightning, "is the trail you must follow. It leads to yonder mountain, which is named Bistcàgi."

45. He followed the lightning trail and soon arrived at the house of Estsàn-ȼigìni (Holy Woman). The house was inside of a black mountain; but the lightning ended not until it went quite into the dwelling; so he had only to follow it to find his way in. The door was of trees. Within, on the east wall hung the sun and on the west wall hung the moon. Here he was shown the kethàwn which is called Estsàn-ȼigìnibikeçàn, or the sacrificial stick of the holy woman, and was told how to make it and how to bury it. As he was about to depart from this place two of the wind gods and the butterfly god appeared to him, and the whole party of four set out for Tcùckai (Chusca Knoll of our geographers).

46. At this place they entered a house which was inside of the mountain. It was two stories high; it had four rooms on the first story and four on the second. It had four doorways, which were covered with trees for doors; in the east was a black spruce tree, in the south a blue spruce tree, in the west a yellow spruce tree, and in the north a white shining spruce tree. Here dwelt four of the Tcikè-cac-nátlehi (Maiden that Becomes a Bear). Their faces were white; their legs and forearms were covered with shaggy hair; their hands were like those of human beings; but their teeth were long and pointed. The first Tcikè-cac-nátlehi, it is said, had twelve brothers. She learned the art of converting herself into a bear from the coyote. She was a great warrior and invulnerable. When she went to war she took out and hid her vital organs, so that no one could kill her; when the battle was over she put them back in their places again. The maidens showed him how to make four kethàwns and told him how to bury them in order to properly sacrifice them.

47. From Tcùckai they went to Ninà-qoȼezgòç (Valley Surrounded on All Sides by Hills), near Ȼepéntsa, where they found the house of the Tsilkè-ȼigìni (Holy Young Men), of whom there were four. There were, in the dwelling, four rooms, which had not smooth walls, but looked like rooms in a cavern; yet the house was made of water. A number of plumed arrows (kátso-yisçàn) were hanging on the walls, and each young man (standing one in the east, one in the south, one in the west, and one in the north) held such an arrow in his extended right hand. No kethàwn was given him; but he was bidden to observe well how the holy young warriors stood, that he might imitate them in the rites he should establish amongst men.

48. The next place they visited was Tse'ça-iskágі (Rock that Bends Back), where they entered a house, striped within horizontally of many colors, and found eight more of the Tsilkè-ȼigìni (Holy Young Men). Two stood at each cardinal point and each one grasped a sapling which he held over his upturned mouth, as if about to swallow it. One of the young men addressed him, saying "Do thus. There are eight of us here; but when you do this in the dance that you will teach your people you need not have eight young men—six will be enough."

49. From here they went to Tcétcel-hyitsò (Big Oaks), to visit the home of ȼigin-yosíni (yosíni is a species of squirrel). It was built of black water-slime (çraçlíç) and the door was of red sunbeams. On the east wall hung a big black log; on the south wall, a blue log; on the west wall, a yellow log; and on the north wall, a white log; in which logs the squirrels dwelt. Although they were squirrels, they were young men and young women, and looked very much like one another. All had red and black stripes on their backs. These taught him how to make and bury the kethàwns sacred to themselves.

50. Dsilninèla' (Last Mountain) is a conical, sharp pointed eminence, shaped like a Navajo hogán or lodge. It is black and has white streaks running down its sides. This was the next place they visited. Within the mountain was a house, whose door was of darkness and was guarded by Tcápani (the Bat) and an animal called Çantsò (of crepuscular or nocturnal habits). Here dwelt many young men and young women who were skunks (golíji), and they taught the Navajo wanderer how to make and how to bury the kethàwns which are sacred to the skunk.

51. The next place to which they went was Dsil-nikíȼi-àgi (Mountain Comes Down Steep), and here they found the place where Glo'dsilkàï (Abert's squirrel, *Sciurus aberti*) and Glo'dsiljíni dwelt. When the four entered, the squirrels said to them: "What do you want here? You are always visiting where you are not welcome." The gods replied: "Be not angry with us. This is a Navajo who was a captive among the Ute, but he has escaped and has suffered much. I'ȼnì' (the Lightning) has bidden us to take him to the homes of all the ȼigìni (holy ones, supernatural beings); therefore we have brought him here." "It is well," said the squirrels; "but he is hungry and must have some food." They brought him piñon nuts, pine nuts, spruce nuts, and service berries; but the gods told him not to partake of the nuts or he would be changed into a squirrel, to eat only of the service berries. When he had finished his meal, the squirrels showed him how to make two kethàwns and how to bury them.

52. Now Niltci whispered: "Let us go to Dsilyà-içín" (Four Doorways Under a Mountain), where dwells ȼasàni (the Porcupine). His house was in a black mountain. At the eastern doorway there was a black spruce tree for a door. On the other sides there were no doors; the entrances were open. They found here four porcupine gods, two male and two female. They were colored according to the four cardinal hues. The black one stood in the east, the blue one in the south, the yellow one in the west, and the white one in the north. They instructed him concerning the kethàwns of the porcupines, and they offered him food, which consisted of the inner bark of different kinds of trees. But again, prompted by Niltci, he refused the food, saying that he was not able to eat food of that kind. "It is well," said the porcupines, "and now you may leave us."

53. "Off in this direction," whispered Niltci, pointing to the northeast, "is a place called Qo¢estsò (Where Yellow Streak Runs Down). Let us go thither." Here they entered a house of one room, made of black water. The door was of wind. It was the home of Tcal-ninéz (Long Frog), of Çoklíc (Water Snake), of Klickà (Arrow Snake), and of other serpents and animals of the water. It was called Ahyèqo¢eçi' (They Came Together), because here the prophet of the dsilyídje qaçàl visited the home of the snakes and learned something of their mysteries. The ceremonies sacred to these animals belong to another dance, that of the qojòni-qaçàl (chant of terrestrial beauty); but in the mysteries learned in Ahyèqo¢eçi' the two ceremonies are one. Here he was instructed how to make and to sacrifice four kethàwns. To symbolize this visit of Dsilyi' Neyáni and this union of the two ceremonies, the first sand picture is made. (See Plate XV.)

54. The next place they visited was Açànkikè, where there was a house built of the white rock crystal, with a door made of all sorts of plants. It was called Tsegà¢iniçini-behogan (House of Rock Crystal) and was the home of Tcikè-¢igìni (Supernatural Young Woman, or Young Woman Goddess), who was the richest of all the ¢igìni. In the middle of the floor stood a large crystal in the shape of a kethàwn. Just as they were entering, Qastcèëlçi, who had disappeared from the Navajo's sight at the house of the bears, here rejoined him, and the party now numbered five. The apartment, when they came into it, was very small, but Qastcèëlçi blew on the walls, which extended thereat until the room was one of great size. The goddess showed the Navajo how to make two kethàwns and directed him how to dispose of them.

55. Thence they journeyed to Tsitsè-intyèli (Broad Cherry Trees), where, in a house of cherries with a door of lightning, there lived four gods named Dsilyi' Neyáni (Reared Within the Mountains). The Navajo was surprised to find that not only had they the same name as he had, but that they looked just like him and had clothes exactly the same as his. His companions said to him: "These are the gods in whose beautiful form the Butterfly goddess has molded you. These are the gods whose name you bear." The hosts bade their visitors be seated, and they ranged themselves around the fire, one at each of the cardinal points. Each held an arrow made of the cliff rose (*Cowania mexicana*) in his extended right hand. The head of the arrow was of stone, the fletching of eagle feathers, and the "breath feather" of the downy plume of the Tsenáhale (the Harpy of Navajo mythology). As they held the arrows they ejaculated, "ai', ai', ai', ai'," as they who dance the kátso-yisçàn do in the ceremonies to this day, and after the fourth ai' each one swallowed his arrow, head foremost, until the fletching touched his lips. Then he withdrew the arrow and they said: "Thus do we wish the Navajo to do in the dance which you will teach them; but they must take good care not to break off the arrowheads when they swallow and withdraw them." Such is the origin of the dance of the kátso-yisçàn, or

great plumed arrow. As they bade him good-bye, one of them said to the Navajo: "We look for you," i. e., "We expect you to return to us," an intimation to him that when he left the earth he should return to the gods, to dwell among them forever.

56. From this place they journeyed on until they reached Açàdsil (Leaf Mountain), and found the house that was made of dew-drops (ȼaçò-behogan) and that had a door made of plants of many different kinds. This was the home of the Bitsès-ninéz (Long Bodies), who were goddesses. When they rose, as the strangers entered, the plumes on their heads seemed to touch the heavens, they were so very tall. The goddesses said to Dsilyi'Neyáni, "We give you no kethàwn, but look at us well and remember how we appear, for in your ceremonies you must draw our picture; yet draw us not, as we now stand, in the east, the south, the west, and the north; but draw us as if we all stood in the east." This is the origin of the second picture that is painted on the sand. (Plate XVI.)

57. Leaving the House of Dew they proceeded to Çonakàï (White Water Running Across). This was a stream which ran down the side of a hill and had its source in a great spring. Immediately above this spring was the home of Qastcèëlçi. The latter, as they approached his home, stopped at the foot of the hill and four times ordered his companions to go in advance; but four times they refused. After the last refusal Qastcèëlçi clapped his hands, uttered his cry of "hu' hu'hu' hu'!" and led the way. The house was of corn pollen; the door was of daylight; the ceiling was supported by four white spruce trees; rainbows ran in every direction and made the house shine within with their bright and beautiful colors. Neither kethàwn nor ceremony was shown the Navajo here; but he was allowed to tarry four nights and was fed with an abundance of white corn meal and corn pollen.

58. Now Qastcèëlçi took him to a place called Lejpáhiço (Brown Earth Water) and led him to the top of a high hill, from which they could see in the far distance Gáugiço, where the prophet's family dwelt; for they had moved away from the valley in ȼepéntsa, where he left them. Then the yay showed him the shortest road to take and bade him return to his people.

59. When he got within sight of his house his people made him stop and told him not to approach nearer until they had summoned a Navajo shaman. When the latter, whose name was Red Queue, came, ceremonies were performed over the returned wanderer, and he was washed from head to foot and dried with corn meal; for thus do the Navajo treat all who return to their homes from captivity with another tribe, in order that all alien substances and influences may be removed from them. When he had been thus purified he entered the house and his people embraced him and wept over him. But to him the odors of the lodge were now intolerable and he soon left the house and sat outside. Seeing this, the shaman gave it as his opinion that the purification al-

ready made was not sufficient, and that it would be well to have a great dance over him. In those days the Navajo had a healing dance in the dark corral; but it was imperfect, with few songs and no kethàwns or sacrificial sticks. It was not until Dsilyi' Neyáni recounted his revelations that it became the great dance it now is among the Navajo.

60. It was agreed that before the dance began Dsilyi' Neyáni should be allowed four days and four nights in which to tell his story and that the medicine man should send out a number of young men to collect the plants that were necessary for the coming ceremony. For four nights and for four days he was busy in relating his adventures and instructing his hearers in all the mysteries he had learned in the homes of the ¢igìni. Then they built the medicine lodge and got all things ready for the new rites and for the purification of the one who had returned. The shaman selected from among the plants brought him by the young men such as he thought would best cleanse his patient of all the strange food he had taken among the alien Indians and in the houses of the supernatural ones whom he had visited. On the first day he gave him pine and spruce; on the second day, big and little willows; on the third day, a plant called litci and the aromatic sumac; on the fourth day, cedar and piñon. Of these the prophet drank cold and hot infusions in the morning by the fire.

61. During these four days the ceremonies which Dsilyi' Neyáni had introduced were in progress. On the fifth day it was proposed they should send out the akáninili (meal sprinkler) or courier to invite their neighbors to the great dance. There were two couriers to be sent: one was to go to the north, to a place called Çògojilá' (Much Grease Wood), to invite some friendly bands of Ute, some distant bands of Navajo, and some Jicarilla who dwelt there; the other was to go to the south, to Tse'lakàï-silà (Where Two White Rocks Lie), to ask the Southern Apache, the White Mountain Apache, the Cohonino, and a tribe called ¢ildjèhe, to attend. To the camp in the north it was a journey of two days and two nights, and it would take the fleetest runner the same time to return. To the home of their neighbors in the south it was as far. As these long journeys must be made on foot and running, they could not find a single young man in the camp who would volunteer for the task. The men counseled about the difficulty all day and tried much persuasion on the youths, but none were found willing to make either journey.

62. As night approached an old woman entered the medicine lodge and said: "I will send my grandson as an akáninili." This old woman's lodge was not far from where the medicine lodge was built and all present knew her grandson well. Whenever they visited her lodge he was always lying on the ground asleep; they never saw him go abroad to hunt, and they all supposed him to be lazy and worthless; so when she made her offer they only looked at one another and laughed. She waited awhile, and getting no response she again offered the services of her grandson, only to provoke again laughter and significant looks.

A third and a fourth time she made her proposal, and then she said: "Why do you not at least answer me? I have said that I will let my grandson take your messages to one of these camps and you laugh at me and thank me not. Why is this?" Hearing her words, the chief medicine man, who came from a distant camp and did not know her, asked the men who were present who the woman was and what sort of a young man her grandson was; but again the men laughed and did not answer him either. He turned to the old woman and said: "Bring hither your grandson, that I may see him." The woman answered: "It is already late; the night is falling and the way is long. It is of no use for you to see him to-night; let us wait until the morning." "Very well," said the shaman; "bring him at dawn to-morrow." She left the lodge promising to do as she was bidden; and the moment she was gone the long suppressed merriment of the men broke forth. They all laughed inordinately, made many jokes about the lazy grandson, and told the medicine man that there was no use in sending such a person with the message when the best runners among them did not dare to undertake the journey. "He is too weak and lazy to hunt," said they; "he lives on seeds and never tastes flesh."

63. As soon as there was light enough in the morning to discern objects, a man who was looking out of the door of the medicine lodge cried out, "He comes," and those inside laughed and waited. Presently Tlà-ȼesçìni (such was the name of the old woman's grandson) entered and sat down near the fire. All looked at him in astonishment. When last they saw him his hair was short and matted, as if it had not been combed or washed for three years, and his form was lean and bent. Now he appeared with thick glossy locks that fell below his knee; his limbs were large and firm looking; he held his head erect and walked like a youth of courage; and many said to one another, "This cannot be the same man." In a little while another young man named Indsiskàï (Radiating White Streaks), as fair and robust as the first, entered and sat down by the fire on the side opposite to where Tlàȼesçìni sat. The white earth and the charcoal for painting the akáninili were already prepared; so some of the young men in the lodge, when they beheld this pair of fine couriers, arose without a word of debate and began to paint the latter and to adorn their persons for the journey. When the toilet was done, the medicine man sent the couriers forth with many messages and injunctions and told them to blow on their whistles four times before they got out of hearing of the lodge. Tlàȼesçìni went to the north and Indsiskàï to the south, and they walked so slowly that all the spectators again laughed and made merry, and many said: "They will never reach the camps whither we have sent them." They passed out of sight just before the sun rose. Those who remained in camp prepared to amuse themselves. They cleared the ground for the game of ná^{n}joj, and brought out their sticks and hoops. Some said: "We will have plenty of time for play before the couriers return." Others said: "At

yonder tree we saw Tlà¢esçìni last. I suppose if we went there now we would find him asleep under it."

64. About the middle of the afternoon, while they were playing their games, one looked to the north, and, at a distance, he saw one of the messengers approaching them, and he cried out, "Here comes Tlà¢esçìni; he has wakened from his sleep and is coming back for something to eat." A moment later Indsiskàï was announced as approaching from the south. They both reached the door of the medicine lodge at the same time; but Tlà¢esçìni entered first, handed his bag to the medicine man, and sat down in the same place where he sat when he entered in the morning. Indsiskàï followed and, handing his bag to the shaman, sat down opposite his companion. Now, many who were without thronged into the lodge to enjoy the sport, and they laughed and whispered among themselves; but the couriers were grave and silent, and, while the medicine man opened the bags, they took off their ornaments and washed the paint from their bodies. In the bag of Tlà¢esçìni were found four ears of léjyipĕj (corn baked in the husk underground). They were still hot from the fire, and the shaman broke them into fragments and passed the pieces around. From the bag of Indsiskàï two pieces of noçá' (the hard sugar of the maguey), such as the Apache make, were taken. When the young men had finished cleaning themselves, they passed out in silence, without a glance for any one.

65. At nightfall they returned to the lodge, and entering, sat down in the west, one on each side of the medicine man, and Tlà¢esçìni addressed him, saying: "When we came to the lodge this afternoon, we did not give you an account of our journeys because the people who are with you are fools, who laughed when we came home from the long journey which they feared to undertake; but now we have come to tell you our adventures. I," continued Tlà¢esçìni, "went to the north. On my way I met another messenger who was traveling from a distant camp to this one to call you all to a dance in a circle of branches of a different kind from ours. When he learned my errand he tried to prevail on me to return hither and put off our dance till another day, so that we might attend their ceremony and that they in turn might attend ours; but I refused, saying our people were in haste to complete their dance. Then we exchanged bows and quivers as a sign to our people that we had met and that what we would tell on our return was the truth. You observe that the bow and quiver I have now are not those with which I left this morning. We parted, and I kept on my way towards the north. It was yet early in the day when I reached Çògojilá', where the Jicarilla and friendly Ute were encamped. There I sprinkled meal on the medicine man and gave him my message. When I arrived they were just opening a pit in which they had roasted corn, and they gave me the ears which I have brought home. They promised to be here in our camp at the end of the third day, which will be the night of our dance."

66. When Tlà¢esçìni had done speaking, Indsiskàï gave the following account of himself: "It was but a little while after sunrise when I reached Tse'lakàï-silà and entered the camps of the four tribes. In one they were just taking some noçá' out of a pit, and they gave me those pieces which I brought home. I entered the lodge of a medicine man in each tribe, scattered on him the sacred meal, and announced to him when our dance would take place. They all promised to be here with their people on the end of the third day, which will be on the night we hold our ceremony."

67. When the akáninilis came to tell their adventures to the medicine man, they were beautifully attired. They wore earrings and necklaces of turquoise, coral, and rare shells. They had on embroidered blankets of a kind we see no longer, but the gods wore them in the ancient days. They rustled like dry leaves. The blanket of one was black and that of the other was white. When they came out of the medicine lodge they went around among the huts and inclosures of those who were assembled, visiting the wives and the sweethearts of the silly men who had laughed at them in the morning; and everywhere the women smiled on the beautiful and well dressed youths. The next morning the men laughed and sneered at them no more, nor whispered in their presence, but glanced at them with sulky or shamefaced looks. During the day the akáninilis took part in the game of ná^{n}joj with those who once jeered at them, and won many articles of great value.

68. On the afternoon of the third day following the one on which the akáninilis made their journeys, a great cloud of dust was observed on the northern horizon and a similar cloud was seen in the south. They grew greater and came nearer, and then the invited Indians began to arrive from both directions. They continued to come in groups until nightfall, when a great multitude had assembled to witness the dance. After the guests began to arrive the young men set to work to cut trees for the corral, and when the sun had set the building of the dark circle of branches began. While the young men were making the circle the old men were making speeches to the multitude, for the old men always love to talk when the young men are hard at work. It was the greatest corral that has ever been built in the Navajo country. It was as broad as from Cañon Bonito to "the Haystacks" (a distance of about six miles), yet the visiting tribes were so numerous that they filled the circle full. In the mean time the sounds of singing and of the drum were heard all around, for many different parties of dancers, who were to take part in the night's entertainment, were rehearsing.

69. There was some delay after the inclosure was finished before the first dancers made their appearance. A man entered the corral and made a speech begging the atsáleï, or first dancers, to hasten, as there were so many parties from a distance who wished to perform during the night. Soon after he had spoken, the two atsáleï who led in the dance of the great plumed arrow entered, and after them came six more, and

performed this healing dance over Dsilyi' Neyáni as it is performed to this day. (See paragraph 131.) When this was concluded various groups from among the strangers entered, one after another, and conducted their different alìlis, or shows, which the Navajo then learned and have since practiced when they sing their songs in the dark circle of branches.

70. When the dance began in the evening there was one of the invited tribes which, it was noticed, had not arrived. This was the Beqai, or Jicarilla. The Navajo asked the Ute where the missing ones were, and the Ute answered that they had passed the Jicarilla on the way; that the latter were coming, but had stopped to play a game of roulette, or ná^{n}joj, and were thus delayed. Shortly before dawn the Jicarilla came and entered the corral to exhibit their alili or show. It was a dance of the ná^{n}joj, for the wands and implements of the dance were the sticks and wheels used in playing that game.

71. During the night a chief of the Navajo, while walking through the crowd, observed the grandmother of Tlà¢esçìni sitting on the ground. He approached her and said: "Your grandson and his friend have done a great deed for us; they have made a long journey. Many doubted whether they had really made it until we saw the multitude gathering in our camp from the north and from the south in obedience to their summons. Now we know that they have spoken the truth. Tell me, I beg you, how they did this wonderful thing." She answered: "They are ¢igìni. My grandson for many years has risen early every morning and run all around Tsòtsil (Mount Taylor, or San Mateo) over and over again before sunrise. This is why the people have never seen him abroad during the day, but have seen him asleep in his hogán. Around the base of Tsòtsil are many tse'ná'djihi (heaps of sacrificial stones). These were all made by my grandson; he drops a stone on one of these piles every time he goes round the mountain."

72. When day began to dawn there were yet several parties who came prepared to give exhibitions, but had not had a chance; still, at the approach of day the ceremonies had to cease. At this time, before the visitors began to leave the corral, the Navajo chief who had spoken with the grandmother arose and addressed the assembly. He told them all he knew about the swift couriers and all the grandmother had told him. He remarked that there were yet many who could not believe that the young men had made the journey; so, to satisfy all, he proposed that within twelve days they should have a race between the two fleet akáninili around the base of Tsòtsil, if all would agree to reassemble to witness it, and he begged them to invite their neighbors of the Pueblo and other tribes to come with them. Then other chiefs arose to speak. In the end the proposition of the Navajo chief was agreed to. All promised to return within eleven days and decided that the race should take place on the morning following. Then they dispersed to their homes.

73. On the afternoon of the eleventh day, when they had reassembled according to their promises, the Navajo chief arose and addressed them. He invited the chiefs of the other tribes to come forward and complete the arrangements for the race. So the headmen all came together at the place where the Navajo was speaking, and, after some consultation, they agreed that the race should be around the peak of Tsòtsil, but not around the entire range of mountains. The Navajo separated themselves into one party and the alien tribes into another, the two parties standing at a little distance from one another. The aliens were given the first choice, and they chose Indsiskàï; therefore Tlà¢esçìni fell to the Navajo. Then the betting began. The stakes consisted of strings of coral, turquoise, and shell beads, of vessels of shells as large as the earthen basins of the Zuñi, of beautifully tanned buckskins, of dresses embroidered with colored porcupine quills, and of suits of armor made of several layers of buckskin. The warriors in those days wore such armor, but they wear it no longer. The beads and shells were laid in one pile; the buckskins, the embroidered dresses, and the armor in another; and the piles were of vast size.

74. The homes of these young men were at Kaç-sakà¢ tsé'çqa (Lone Juniper Standing Between Cliffs), now Cobero Cañon. There is seen to day a rock shaped like a Navajo hogán. It stands near the wagon road and not far from the town of the Mexicans (Cobero). This rock was once the hut where Tlà¢esçìni dwelt. Not far from it is another rock of similar appearance, which once was the home of Indsiskàï. For this reason the runners were started at the Lone Juniper. They ran towards the west and five of the fleetest runners among the assembled Indians set out at the same time to see how long they could keep up with them. By the time these five men had reached the spur of the mountain opposite Çòsaço (Hot Spring, Ojo de los Gallinos, San Rafael), the two champions were out of sight. Then the five turned back; but before they could return to the Lone Juniper the runners had got in and the race was decided. Tlà¢esçìni had won by about twice the length of his own body, and all the wagered wealth of the other nations passed into the hands of the Navajo.

75. When all was done the strangers were dissatisfied; they mourned over their losses and talked about the whole affair among themselves for a long time. Finally they decided to give the Navajo another challenge if the latter would agree to a longer racecourse, which should include all the foothills of the San Mateo range. The Navajo accepted the challenge and agreed to have the race at the end of another twelve days. Early on the eleventh day the strangers began to assemble from all quarters; they continued to arrive all day, and when night fell they were all in. Then the headmen addressed them, explaining all the conditions of the challenge and describing carefully the racecourse decided on. The betting did not run as high this time as before.

The Navajo bet only about one-half of what they won on the former race. Again they started the two runners, and in such time as you could just mark that the sun had moved, they were back at the goal; but this time Indsiskàï, the champion of the alien races, won by about the same distance as he had lost on the previous occasion.

76. Then the strangers were satisfied and said, "We will try no more. Many of our goods are still with the Navajo; but we have done well to rescue what we have." One of the wise men among them said, "Yes, you have done well, for had you lost the second race you would have lost with it the rain and the sunshine and all that makes life glad." It is because the Navajo won so much wealth on this occasion that they have been richer than the neighboring races ever since.

77. The ceremony cured Dsilyi' Neyáni of all his strange feelings and notions. The lodge of his people no longer smelled unpleasant to him. But often he would say, "I know I cannot be with you always, for the yays visit me nightly in my sleep. In my dreams I am once more among them, and they beg me to return to them."

78. From Lejpáhiço the family moved to Dsildjoltcín¢i (Mountain of Hatred). Thence they went to Tsinbiláhi (Woods on One Side), and from there to Tse'yuçáhia' (Standing Rock Above). In this place they encamped but one night, and next day they moved to ₵epè-açа¢ (Sheep Promontory), and went on to ₵epè ¢asi¢i (One Sheep Lying Down). Here again they camped for the night. Next day they traveled by Tse'atcàl-çali (Rock Cracked in Two) to Tcoyàjnaskíç (Hill Surrounded With Young Spruce Trees), to Nigàqokaï (White Ground), and to Tse'yistci¢ (Dipping Rocks, i. e., dipping strata), where they stopped to rest for the night. On the following day they journeyed to Çosakázi (Cold Water), in which place they encamped again.

79. When the morning came, Dsilyi' Neyáni said to his younger brother, "Let us go out and try to shoot some deer, so that we may make beça' (deer masks), such as we wore in ₵epéntsa, where we killed so many deer." The brothers departed on the hunt and came to a place called Dsil-líjin (Black Mountains), and they sat down on the side of the mountains looking towards Tsòtsil. As they sat there Dsilyi' Neyáni said, "Younger brother, behold the ¢igìni!" (holy ones); but the younger brother could see no one. Then he spoke again, "Farewell, younger brother! From the holy places the gods come for me. You will never see me again; but when the showers pass and the thunder peals, 'There,' you will say, 'is the voice of my elder brother,' and when the harvest comes, of the beautiful birds and grasshoppers you will say 'There is the ordering of my elder brother.'"

80. As he said these words he vanished. The younger brother looked all around, and seeing no one he started for his home. When he returned to his people he told them of the departure of Dsilyi' Neyáni, and they mourned as for one dead.

THE CEREMONIES OF DSILYÍDJE QAÇÀL.

81. It has been my lot to see portions of these ceremonies at various times. The most complete view I had of them was during a visit made to a place called Niqotlizi (Hard Earth), some twenty miles northwest from Fort Wingate, New Mexico, and just within the southern boundary of the Navajo Reservation. This was the only occasion when I obtained full access to the medicine lodge on the later days of the ceremonies and had an opportunity of observing the wonderful pictures on sand which are illustrated in color in the accompanying plates.

82. On October 21, 1884, when I arrived at this place, the patient for whose benefit the rites were celebrated and a few of her immediate relations were the only people encamped here. They occupied a single temporary shelter of brushwood, within a few paces of which I had a rude shelter erected for my own accommodation. The patient was a middleaged woman, who apparently suffered from no ailment whatever; she was stout, ruddy, cheerful, and did her full share of the household work every day; yet she was about to give away for these ceremonies sheep, horses, and other goods to the value of perhaps two hundred dollars. No ceremonies whatever were in progress when I came. Everything, so the Indians said, was waiting for the qaçàli. (Paragraph 2.) Some men were engaged in building a corral for the sheep that were to be slaughtered for the guests, and some old women were grinding corn to feast the men who were to work in the medicine lodge, which had been completed six days before.

83. This lodge was a simple conical structure of large, partly hewed piñon logs, set on end and inclined at an angle of about forty-five degrees, so as to join one another on top, where they formed the apex of the lodge. The circle of logs was incomplete in the east, where the openings for the door and the smoke hole were. A passage, or entry, about five feet high and three feet wide, led from the body of the lodge to the outer doorway, where some blankets hung as portières. The frame of logs was covered with sods and loose earth to keep out wind and rain. Internally, the lodge was eight feet in height under the apex of the cone and on an average twenty-five feet in diameter at the base. The diameter was increased at the east (to allow for the entry) and at the north. The irregularity in the circumference in the north was at first conjectured to be a mere accident; but in the ceremonies of the first night its use became apparent as affording a hiding place for the man dressed in evergreens. (Paragraph 96.)

84. THE FIRST FOUR DAYS' ceremonies in this case had been performed during the previous year. Such a division of the work is sometimes made, if more convenient for the patient and his friends, but usually all is done in nine consecutive days. These first days have less of interest than the others. Early each morning, before eating, all who desire, men and women, enter the medicine lodge, where, in a stifling

WEOCHE LODGE VIEWED FROM THE SOUTH

atmosphere, seated around a fire of dry wood of four different kinds—cedar, big willow, little willow, and spruce—they take the hot emetic infusion of fifteen different kinds of plants mixed together. A little sand is placed in front of each to receive the ejected material. After the emetic has acted the fire is removed, deposited some paces to the north of the lodge, and allowed to die out. Each devotee's pile of sand is then removed (beginning with that of the man who sat in the east and going round the circle) and deposited, one after another, in a line north of the sacred fire. Each succeeding day's deposits are placed farther and farther north in a continuous line. Next all return to the lodge, which has been allowed to cool; the shaman spits on each some medicine which has been mixed with hoar-frost and is supposed to cool. When all have left the lodge, a new fire of ordinary wood is kindled, and the kethàwns, or sacrificial sticks, appropriate to the day are made.

85. FIFTH DAY. The chanter did not arrive until the afternoon of October 23. His ceremonies in the medicine lodge began on the morning of the 24th. The forenoon was devoted to the preparation and sacrifice of certain kethàwns (keçàn)—the sacrificial sticks, to the origin of which so much of the foregoing myth is devoted—and of sacrificial cigarettes. About eight o'clock the sick woman entered the medicine lodge, followed by the chanter. While she sat on the ground, with her limbs extended, he applied some powdered substance from his medicine bag to the soles of her feet, to her knees, breasts, shoulders, cheeks, and head, in the order named, and then threw some of it towards the heavens through the smoke hole. Before applying it to the head he placed some of it in her mouth to be swallowed. Then, kneeling on a sheep skin, with her face to the east, and holding the bag of medicine in her hand, she recited a prayer, bit by bit, after the chanter. The prayer being finished, she arose, put some of the medicine into her mouth, some on her head, and took her seat in the south, while the shaman went on with the preparation of the sacrifices.

86. An assistant daubed a nice straight branch of cherry with some moistened herbaceous powder, after which he divided the branch into four pieces with a flint knife. Two of the pieces were each about two inches long and two each about four inches long. In each of the shorter ones he made one slight gash and in each of the longer ones two gashes. The sticks were then painted, a shred of yucca leaf being used for the brush, with rings of black, red, and white, disposed in a different order on each stick. The two cigarettes were made by filling sections of some hollow stem with a mixture of some pulverized plants. Such cigarettes are intended, as the prayers indicate, to be smoked by the gods. (Paragraph 88.)

87. While the assistants were painting the sticks and making the cigarettes the old chanter placed on a sheep skin, spread on the floor woolly side down, other things pertaining to the sacrifice: five bundles of assorted feathers, five small pieces of cotton sheeting to wrap the sacri-

fices in, and two round flat stones, each about four inches in diameter. The upper surfaces of these he painted, one blue and one black, and he bordered each with a stripe of red. When the kethàwns and cigarettes were ready, the qaçàli distributed them along with the bunches of plumes, on the five pieces of cotton cloth, which were then rolled up around their contents, making five bundles of sacrifices. On the completion of this work there was prayer, song, and rattling; the medicinal powder was applied to the body of the patient as before (paragraph 85); two of the little sacrificial bundles were placed in her right hand, and while she held them she again repeated a prayer, following again phrase by phrase, or sentence by sentence, the words of the priest. The latter, when the prayer was ended, took the sacrifices from her hand and pressed them to different parts of her body in the order previously observed, beginning with the soles of the feet and going upwards to the head, but on this occasion touching also the back, and touching it last. Each time after pressing the sacrifices to her body he held them up to the smoke hole and blew on them in that direction a quick puff, as if blowing away some evil influence which the sacrifices were supposed to draw from her body. Then the three remaining bundles were put in her hands and the rites observed with the former bundles were repeated in every respect, including the prayer, which was followed by singing and rattling. When the song had ceased some of the assistants took the bundles of sacrifices out of the lodge, no doubt to bury them according to the method proper for those particular kethàwns. The round painted stones were also carried out.

88. The prayers which the woman repeated varied but little. They all sounded nearly alike. The night the shaman arrived he rehearsed some of these prayers with the woman, at her own hogán, to make her familiar with them before she repeated them in the medicine lodge. The prayer addressed to Dsilyi' Neyáni, when she held in her hand the offering sacred to him, was as follows:

Reared Within the Mountains!
Lord of the Mountains!
Young Man!
Chieftain!
I have made your sacrifice.
I have prepared a smoke for you.
My feet restore thou for me.
My legs restore thou for me.
My body restore thou for me.
My mind restore thou for me.
My voice restore thou for me.
Restore all for me in beauty.
Make beautiful all that is before me.
Make beautiful all that is behind me.
Make beautiful my words.
It is done in beauty.
It is done in beauty.
It is done in beauty.
It is done in beauty. (Paragraphs 261–4.)

MEDICINE LODGE, VIEWED FROM THE EAST.

89. The next part of the ceremonies (or, shall I say, the treatment?) was a fumigation. The medicine man took from the fire a large glowing coal, placed it beside the woman, and scattered on it some powdered substance which instantly gave forth a dense smoke and a strong fragrance that filled the lodge. The woman held her face over the coal and inhaled the fumes with deep inspirations. When the smoke no longer rose the coal was quenched with water and carried out of the lodge by the chief, Manuelito, probably to be disposed of in some established manner. Then the woman left the lodge and singing and rattling were resumed.

90. While the rites just described were in progress some assistants were busy with other matters. One made, from the spotted skin of a fawn, two bags in which the akáninilis or couriers were to carry their meal on the morrow's journey. Another brought in and hung over the doorway a bundle of dry, withered plants which he had just gathered. Glancing up at them I recognized the *Gutierrezia* and the *Bouteloua*. The bundle may have contained the other plants mentioned in the myth (paragraph 44). They were hung up there till the next day, to be then used in a manner which will be described (paragraph 101).

91. The sheepskin on which the sacrifices had been placed was taken away and a blanket was spread on the ground to receive some more sacred articles from the bag of the chanter. These were five long notched wands, some tail feathers of the wild turkey, some small downy feathers of the eagle, and some native mineral pigments—yellow ocher, a ferruginous black, and a native blue. With the pigments the assistants painted the notched wands; with the plumes the chanter trimmed them. (See Fig. 51 and Plate XI.) Then they were called çobolçà, a word of obscure etymology, or in¢ia', which signifies sticking up or standing erect. They are called in this paper "plumed wands."

92. While some were making the çobolçà others busied themselves grinding, between stones, large quantities of pigments, coarser than those referred to above, to be used in making the sand pictures or dry paintings of the ceremony. They made five colors: black, of charcoal; white, of white sandstone; red, of red sandstone; yellow, of yellow sandstone; and "blue," of the black and white, mixed in proper proportions; of course this was a gray, but it was their only cheap substitute for the cerulean tint, and, combined with the other colors on the sanded floor, in the dim light of the lodge, it could not easily be distinguished from a true blue. It may be remarked in passing that the Navajo apply to many things which are gray the term they use for blue (çolíj); thus the gray fox is called màï-çolíj (blue coyote) and a gray sheep is called a blue sheep. Yet that they make a distinction between these colors is, I think, fairly evident from the fact that in painting small articles, such as kethàwns and masks, they use the more costly articles of turquoise, malachite, and indigo. These coarse pigments for the dry paintings were put for convenience on curved pieces of piñon bark.

From time to time, during this and the following days, as the heaps of colored powder diminished under the hands of the artists, more stones and charcoal were pulverized to replenish them.

93. About noon they cleared off that portion of the floor of the lodge which lay west of the fire, and brought, in blankets, a quantity of dry sand, which they spread out over the cleared portion of the floor in a layer of the nearly constant depth of three inches. They smoothed the surface with the broad oaken battens used in weaving. Now for a time all operations were suspended in the lodge while the chanter went out to plant the çobolçà, or plumed wands, in front of the medicine lodge, and to lay beside them the collars of beaver skins and the symbols for wings which the couriers were to wear next day. (Fig. 51.) These articles, it was said, were placed outside as a sign to the gods that the holy pictures were being drawn; but it is not improbable that they were intended also as a sign to uninitiated mortals. However that may be, they were taken in as soon as the picture was finished. The great painting was begun about 1 o'clock p. m., was finished about 3, and was allowed to remain until the ceremonies at night were concluded. It will be described later. (Paragraphs 160 et seq.)

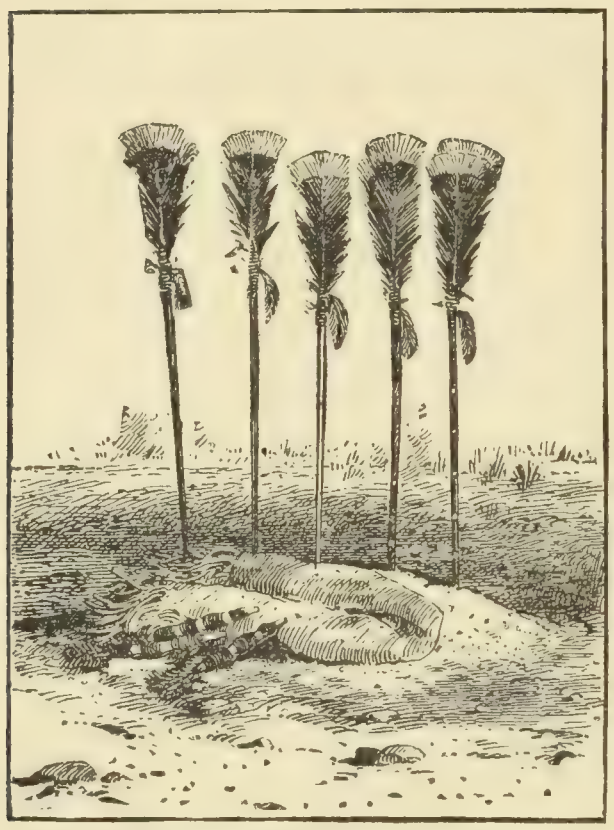


FIG. 51. The çobolçà, or plumed wands, as seen from the door of the medicine lodge.

94. When the picture was completed food was brought in, and there was a good deal of eating and sleeping and smoking done. Being informed that nothing more would be done until after nightfall, I went to my own shelter, to elaborate some of my more hasty sketches while matters were still fresh in my mind. At 7 o'clock a messenger came to tell me that ceremonies were about to be resumed. During my absence the principal character in the night's performance — a man arrayed in evergreens — had been dressed.

95. I found, on returning to the lodge, a number of spectators seated around close to the edge of the apartment. The fire burned in the center. The sick woman, with some companions, sat in the south. The qaçàli, with a few assistants who joined him in singing and shaking rattles, was seated at the north, at the place where the circumference of the lodge was enlarged. (Paragraph 83.) There was a space about two feet wide and six feet long between them and the wall, or roof if you choose so to call it, of the lodge. I was assigned a place in the west. The sick woman was directed to move from the position she occupied

in the south, and sit, with her face to the east, at the junction of the two white serpents that cross one another on the picture. (Plate XV.)

96. When she was seated the qaçàli began a song, accompanied by the usual rattling and drumming. At a certain part of the song the chanter was seen to make a slight signal with his drumstick, a rapid stroke to the rear, when instantly a mass of animate evergreens—a moving tree, it seemed—sprang out from the space behind the singers and rushed towards the patient. A terrifying yell from the spectators greeted the apparition, when the man in green, acting as if frightened by the noise, retreated as quickly as he came, and in a moment nothing could be seen in the space behind the singers but the shifting shadows cast by the fire. He was so thoroughly covered with spruce twigs that nothing of his form save his toes could be distinguished when he rushed out in the full glare of the fire. This scene was repeated three times, at due intervals.

97. Some time after the third repetition, the chanter arose, without interrupting his song, and proceeded to erase the picture with his rattle. He began with the mountain in the west (paragraph 162), which he completely leveled; next in order he erased the track of the bear; next, the hole in the center; and then, one by one, the various other figures, ending with the serpents on the outside. In erasing the serpents, he began with the figures in the east and followed the apparent course of the sun, ending with the figures in the north. When the picture was completely obliterated, the sand on which it had been drawn was collected, put in a blanket, and carried out of doors, to be thrown away.

98. Then the sick woman was lifted by two other women and laid on her side where the picture had been, with her face to the east. While she lay there, the medicine man, amid much singing, walked around her, inscribed on the earth at her feet a straight line with his finger and erased it with his foot, inscribed at her head a cross and rubbed it out in the same manner, traced radiating lines in all directions from her body and obliterated them, gave her a light massage, whistled over her from head to foot and all around her, and whistled towards the smoke hole, as if whistling something away. These acts were performed in the order in which they are recorded. His last operation on her was a severe massage, in which he kneaded every part of her body forcibly and pulled her joints hard, whereat she groaned and made demonstrations of suffering. This concluded, she rose. A blanket was spread on the ground on the north of the fire, near where the man in evergreens was concealed. At the last appearance of the man in evergreens the woman fell back apparently paralyzed and suffering from difficulty of breathing, all of which was probably feigned, but was supposed to be a sign that the right remedy or ceremony for her ailment had been found and that none other need be tried. The medicine man now proceeded to restore her to consciousness by drawing zigzag lines from her body

east and west and straight lines north and south, like their symbols for the chain and sheet lightnings, by stepping over her in different directions, and by rattling. When she had apparently recovered, he pressed the plumed wands and the symbols for wings to different parts of her body, in the order and with the ceremonies described when referring to previous application made to her body.

99. There were no more ceremonies that night. I remained in the medicine lodge until it was quite late. The men occupied their time in singing, rattling, gambling, and smoking. After a while some grew weary and lay down to sleep. Being repeatedly assured that nothing more would happen until the whistle sounded in the morning, I left the lodge to roll myself in my blankets. Yet frequently during the night, fearing I might have been deceived, I stealthily arose and visited the medicine lodge, only to find all slumbering soundly.

FIG. 52. Akáninili ready for the journey.

100. SIXTH DAY. At five in the morning (Saturday, October 25) the whistle sounded and I hastened to the medicine lodge. There was much to be done; the couriers were to be dressed and sent on their way, and a large picture was to be painted; so the work had to begin early.

101. The first thing done was to burn to charcoal the bundle of plants which had been gathered on the previous morning and hung over the door of the lodge inside. (Paragraph 90.) The charcoal was used in painting the limbs of the akáninilis or couriers. A basin of water containing soap root or amolë (the root of *Yucca baccata* and other species of yucca) was brought in, and after the medicine man had dabbed them with a little of the suds the akáninilis elect washed themselves with it from head to foot, cleaning their hair well. When the bath was done, they were dabbed by the qaçàli with some other mixture contained in a waterproof wicker basin and were made to inhale the fra-

grant fumes of some vegetable powder scattered on a live coal, which, as usual, was "put out," in a double sense, when the fumigation was over. Then the young men were dressed and adorned to look like Dsilyi' Neyáni after his toilet in the house of the butterflies. (Paragraph 44.) Their legs and forearms were painted black, to represent the storm cloud. The outer aspects of these members were decorated with white zigzag streaks, to indicate the white lightning. Their faces were painted partly white and small white spots were scattered over their bodies. Downy eagle feathers were fastened to their hair; necklaces of shell and coral were hung around their necks, and over these were laid collars of beaver skin, with whistles attached, which had lain in front of the lodge the day before, near the plumed wands. (Paragraph 93, Fig. 51.) Small objects to represent wings were tied to their arms. Each was given one of the fawn skin bags (paragraph 90) with corn meal in it. In the hand of the akáninili who was to go to the south was placed one of the çobolçà, or plumed wands, whose stem was painted black, the color of the north, as a sign to all he might meet that he was a duly authorized messenger from a medicine lodge in the north. In the hand of the other akáninili was placed a blue shafted wand, to show that he came from the south. Thus equipped they were all ready for the journey. (Fig. 52.)

102. The chanter gave them his messages, telling them where to go, what places they were to visit, what other chanters they were to see, what dancers they were to invite, and what gifts they were authorized to offer to the visiting performers for their trouble. Having given these special instructions, he closed with the general instructions, which are always given to the akáninili, as follows:

These [pointing to the eagle feathers on the head] will make for you a means of rising as you progress.

These [pointing to the wing symbols on the arm] will bear you onward.

This [pointing to the collar of beaver skin] will be a means of recognition for you. For this reason it hangs around your neck.

Sprinkle meal across a little valley, across a big arroyo.

Across the roots of a tree sprinkle meal and then you may step over.

Sprinkle meal across a flat rock.

Then the plumed wand. For this purpose you carry it, that they will recognize you as coming from a holy place.

103. The akáninili on his journey scatters meal before him as directed in these charges. He also scatters it on the medicine men whom he visits, and for this reason he is called akáninili, which signifies meal sprinkler.

104. When the last word of the instructions was uttered, the couriers departed, one to the north and one to the south. It was not later than 7 o'clock when they left. As soon as they were gone, the work of painting the picture appropriate to the day was begun. It was much more elaborate than the painting of the previous day. Although a dozen men worked on it, it was not finished until two o'clock. About the time

it was done, the akáninili from the south returned. He was carefully divested of all his ornaments. The white paint was scraped carefully from his body and preserved in the medicine bags of those who scraped it off. Then he was led out of the lodge.

105. When the picture was finished, the shaman, having applied pollen in three places to each god, stuck around it in the ground, at regular intervals, the three plumed wands which had stood before the door of the lodge all day and the wand which the akáninili from the south had just brought back with him. This wand he placed at the south of the picture, and laid beside it the collar, wings, and plumes which the akáninili had worn. The fifth, or north, wand was still absent with the courier who went to the north.

106. All was ready now for the treatment of the sick woman. She was sent for, and a crier went to the door of the lodge to announce that song and ceremony were to begin. Accompanied by another woman, she entered, carrying a basket with corn meal in it. This she sprinkled lightly over the picture and then handed it to some of the assistants, who finished the work she had begun by strewing the meal plentifully on the figures. She sat on the form of the god in the east, facing the door, with her feet extended, and her companion sat on the figure of the cornstalk in the southeast. (Plate XVI.) In the mean time the medicine man had made a cold infusion in an earthen bowl and placed it on the hands of the rainbow figure (paragraph 169), laying over it a brush or sprinkler made of feathers, with a handle of colored yarn. When the women were seated, the chanter dipped his brush in the solution; sprinkled the picture plentifully; touched each divine figure with the moistened brush in three places—brow, mouth, and chest; administered the infusion to the women, in two alternate draughts to each; drained the bowl himself; and handed it to the bystanders, that they might finish the dregs and let none of the precious stuff go to waste. Next came the fumigation. The woman whom we have designated as the companion rose from her seat on the picture and sat on the ground beside the door. The principal patient retained her seat on the eastern god. Near each a live coal was laid on the ground. On the coal a strong scented but rather fragrant mixture was thrown, and as the fumes arose the women waved them towards their faces and breathed them in as before. The coal was extinguished and carefully removed, as on previous occasions. The application of the sacred dust to the body of the patient followed. The shaman moistened his hands with saliva and pressed them to the feet of all the gods. Some of the powder, of course, stuck to his palms. This he applied to the feet of the patient. Thus he took dust from the knees, abdomens, chests, shoulders, and heads of the figures and applied it to corresponding parts of the patient's form, making a strong massage with each application.

107. When the patient had departed many of the spectators advanced to the picture and gathered the corn pollen (paragraphs 105 and 112), now

rendered doubly sacred, and put it in their medicine bags. Some took portions of the remaining dust from the figures, after the manner of the shaman, and applied it to ailing portions of their persons. If the devotee had disease in his legs, he took dust from the legs of the figures; if in his head, the dust was taken from the heads of the figures, and so on.

108. By the time they were all done the picture was badly marred; yet its general form and some of the details were quite distinguishable. Then it became the province of the chanter to completely obliterate it. He began with the white god in the east and took in turn the figures in the southeast (corn), south, southwest, west, center, northwest, north, and northeast. Next, the figure of the rainbow was erased from foot to head, and, on his way, the chanter knocked down, with rather vicious blows, the plumed wands which stood up around the picture. When he came to the round figure in the center he dug up a cup which had been buried there. He erased the picture with a long slender wand and sang in the mean time, to the accompaniment of the rattling of his assistants, a plaintive chant in a minor key, which was perhaps the most melodious Indian song I ever heard. All was over at half past 2 in the afternoon.

109. Later in the day it was announced that the other akáninili was approaching from the north. He could then be observed about a mile away in an open plain. As he advanced the sound of his whistle was heard. At exactly half past 4 he entered the medicine lodge, where the chanter motioned him to a seat in the south. Singing and rattling were at once begun and the akáninili was divested of his trappings in the following order: head plumes, beaver collar, necklace, right wing, left wing, belt, sash, moccasins. The white paint was removed and preserved as on the former occasion. He was led out of the lodge, where he was well washed from head to foot in a hot decoction of the detergent amolë and dried with corn meal. Two large blood blisters were to be seen on the inner aspects of his thighs, brought on by the friction of his breechcloth in running. He said that he had run constantly when not in sight from our camp, had traveled a long way since morning, and was very tired. It seems to be the custom with the akáninilis to walk slowly when near camp and to run when out of sight, probably to follow the mythic examples of Tlàcesçìni and Indsiskàï. (Paragraph 63.)

110. With the toilet of the akáninili the ceremonies of the day ended. He returned to the lodge to relate his adventures and get some food. During the day visitors arrived occasionally from distant camps. In the afternoon there were several young men present, who busied themselves in grubbing and clearing the ground where the corral was to be built and the great dance of the last night was to be held. I remained in the lodge until it was quite late, and I frequently rose during the night to see if anything was going on; but the night passed without event, like the previous one.

111. Seventh day. The painting of the picture and the treatment of the sick woman were the only works performed on this day (Sunday, October 26). The whistle sounded from the lodge at 6 a. m., but already the plumed wands and the beaver collars had been placed before the door of the medicine lodge and the sand for the groundwork of the picture had been brought in. As the picture (Plate XVII) was to be larger than those which preceded it, the fire was moved quite near to the door; the heated earth which lay under the fire in its former position was dug up and replaced with cold earth, probably for the comfort of the artists.

112. The work of the painters was begun soon after 6 a. m. and was not completed until about 2 p. m. About a dozen men were engaged on it, and it occupied them, as we have seen, about eight hours. As usual, the qaçàli did very little of the manual labor; but he constantly watched the work and frequently criticised and corrected it. When the painting was done, it became his duty to apply the sacred corn pollen to the brow, mouth, and chest of each of the gods and to set up the bounding çobolçà or plumed wands. After this he placed a bowl of water on the left hand of the white god—the form second from the north—threw into it some powdered substance to make a cold decoction, and laid the sprinkler on top of it. (Paragraph 106.)

113. The whistle was blown. The herald announced that all was ready. The sick woman and her companion entered, and one after the other cast meal upon the floor. The former took off her moccasins and sat on the ground near the door while a song was sung. Then she sat on the form of the white god, her companion sat on the form of the blue god, and the singing and rattling were resumed. Without interrupting his song the chanter sprinkled the picture with the infusion, applied the moistened sprinkler to the breast, head, and brow of each of the gods in the following order: white, blue, yellow, black, and sat down to finish his chant. He administered the decoctions to his patient in two draughts, to her companion in two draughts, to himself (honest physician!) in the same manner, and gave as before (paragraph 106) the dregs to the bystanders. He applied the dust from different parts of the divine figures to the sick woman, in much the same manner as on the previous day, and while doing this he obliterated the pictures of the little animals over the head of the white god. The fumigation of both women was repeated with exactly the same rites as on the second day, and the fumes had precisely the same odor on this occasion as on that. When the coals were extinguished and taken out, the chanter said to the women, "kaç" (now), whereat they arose and left the lodge.

114. As soon as they were gone the work of obliteration began. The figures of the gods were rubbed out in the usual order (white, blue, yellow, black, rainbow), the erasure in each case proceeding from foot to head. The plumed wands fell as before, simultaneously with the destruction of the rainbow. The sand was carried out at half past 2 o'clock and no further rites were performed during the day.

115. EIGHTH DAY. The picture painted on Monday (October 27) was of a simple character, and hence did not occupy much time. The work was begun at 7 a. m. and was finished at 10 a. m. Of the four shorter or interior arrows (Plate XVIII), that which stands second from the north was regarded as the arrow of the east and was begun first. On this arrow the sick woman was placed, sitting with her face to the east, when she came to be treated and fumigated. The bowl of infusion was laid on the point of the arrow immediately to her left, regarded as the arrow of the north. The medicine man put the pollen on the base, on the red cross lines near the center, and on the white tips. All the ceremonies which took place between the completion and the obliteration of the picture (the planting of the five plumed wands, the sprinkling of the picture with meal, the sprinkling and administration of the infusion, the application of the colored dust to the person of the patient, the fumigation of the two women, the whistling, the singing, and rattling) were essentially the same as those observed on the previous day. In taking the dust from the picture, however, the shaman applied his hands only to the bases of the arrows. The ceremony of obliteration was also a repetition of the rites of the previous day.

116. The building of the great stack of wood (Fig. 53) which was to furnish the fire in the center of the corral on the last night went on

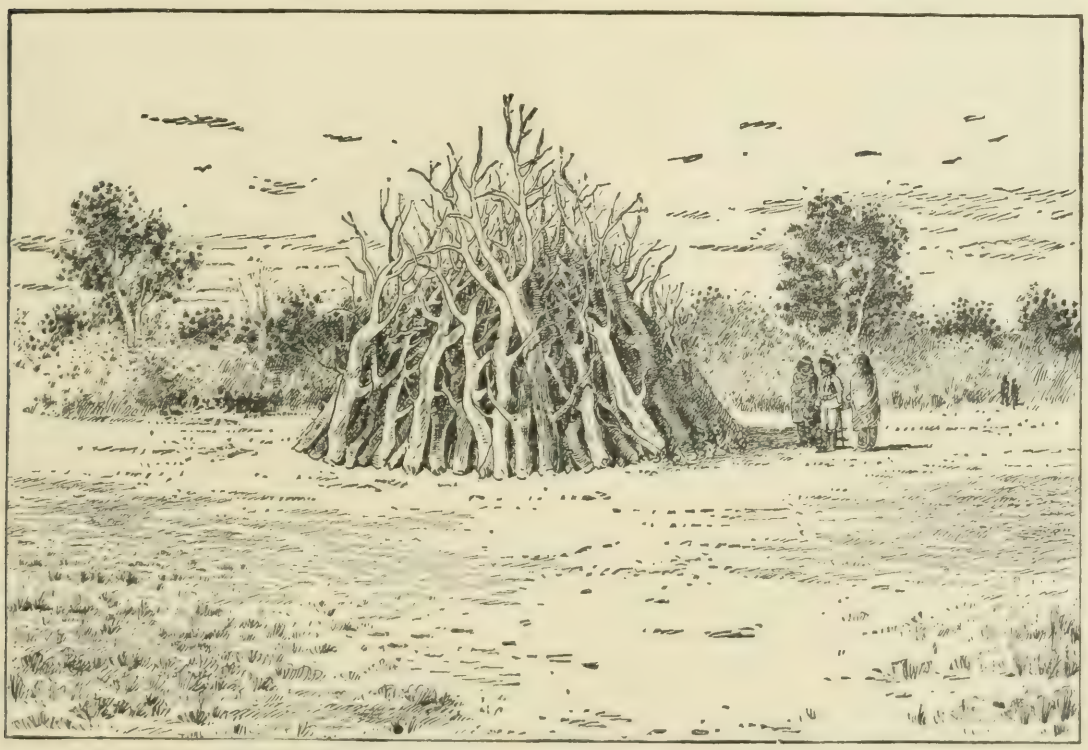


FIG. 53. The great wood pile.

simultaneously with the painting of the picture. Both tasks were begun and ended about the same time. The wood in the big pile was dead, long seasoned juniper and cedar, fuel of the most inflammable character. The pile was about twelve feet high and sixty paces in cir-

cumference. Large quantities of this dry wood were also brought and placed outside the space allotted to the corral, to replenish the fires when needed.

117. In the afternoon there were no ceremonies in the medicine lodge. The qaçàli and his assistants took a half holiday, and not without deserving it, for they had wrought well for three days and they had a long day's work and a long night's work still before them. A large number of people had by this time assembled, and from time to time more arrived. Throughout the sparse grove which surrounded us, little temporary corrals and huts of boughs were going up in every direction. In more secret spots in the rugged walls of a cañon, about half a mile from the medicine lodge, other shelters were erected, where visiting performers were to prepare themselves on the last night. Many young men were busy in the afternoon cutting down the trees and lopping off the branches which were to form the great corral (the ilnásjin, the dark circle of branches) on the next day. Some of the visiting women were busy grinding meal and attending to different household duties; others played cards or engaged in the more aboriginal pastime of ázȼilçil, a game played with three sticks and forty stones, the latter for counters.

118. The friends of the sick woman prepared the alkàn, a great corn cake baked in the earth, the manufacture of which gave evidence of the antiquity of the process. The batter was mixed in one large hole in the ground lined with fresh sheepskin. It was baked in another hole in which a fire had been burning for many hours, until the surrounding earth was well heated. The fire was removed; the hole lined with corn husks; the batter ladled in and covered with more corn-husks; hot earth and hot coals were spread over all. The cake was not dug up until the following day, and was designed chiefly for the special entertainment of those who were at work in the medicine lodge.

119. Ninth day (until sunset). On Tuesday (October 28) the work in the lodge consisted in preparing certain properties to be used in the ceremonies of the night. These were the wands to be used in the first dance, the kátso-yisçàn or great plumed arrows, and the trees which the dancers pretended to swallow.

120. The wand of the nahikàï was made by paring down a straight slender stick of aromatic sumac, about three feet long, to the general thickness of less than half an inch, but leaving a head or button at one end. A ring was fashioned from a transverse slice of some hollow or pithy plant, so that it would slide freely up and down the slender wand, but would not pass over the head. Eagle down was secured to the wooden head and also to the ring. In the dance (paragraph 129) the eagle down on the stick is burned off in the fire while the ring is held in the palm of the hand. When the time comes for the wand to grow white again, as the name nahikàï expresses it, the ring is allowed to leave the palm and slide to the other end of the stick.

121. The great plumed arrows were deceptions somewhat similar in character to the wands. One-half of the arrow was made of a slender

hard twig of cliff rose; the other half was formed of some pithy suffruticose herb which I could not determine satisfactorily, as I saw only the cut sections and was not permitted to handle these. The pith was removed so as to allow the wooden part to move into the herby part with a telescopic mechanism. The herbaceous portion was so covered with feathers that nothing could be seen of its surface. A large stone arrowhead was attached to the wooden shaft. When the actor pretended to swallow this he merely held the stone point firmly between his teeth and forced the upper or plumed shaft down on the lower or wooden shaft. It was an excellent deception, and presented to the ordinary observer all the appearance of genuine arrow swallowing.

122. The piñon saplings, which the dancers also pretended to swallow, had no deceptive arrangement. They were slender little trees trimmed at the butt into a broad, thin, wedge shaped point, which was carefully smoothed by rubbing it with sandstone, so that no offensive splinters should present themselves to the lips of the dancers. The smooth end was painted red, probably to make the spectators, at night, by the uncertain firelight, suppose that the dissemblers had torn their throats in their great efforts. Sometimes the saplings have all their branches removed, and are then trimmed with cross pieces and circles of evergreen sprays. In most cases, however, I have seen the sapling used in its natural condition.

123. As each set of implements was completed there was a ceremony with singing and rattling, the men who were to use them at night partook of powdered medicines on their extended tongues, from the hands of the chanter, and then practiced themselves in the use of the implements. Although they well knew the deceptive nature of these articles and fully understood the frauds they were preparing to perpetrate on the public, these young men seemed to view the whole work with high reverence and treat it with the greatest seriousness. For instance, when, in the secrecy of the lodge, they went through the motions of swallowing the trees they showed indubitable signs of fear: all looked anxious, some trembled quite perceptibly, and one looked as pale as a live Indian can look. They probably dreaded the displeasure of the gods if all were not done well.

124. LAST NIGHT. Just after sunset the old chanter posted himself some paces to the east of the great woodpile, on the spot where the gate of the corral was to be, and began a song. Simultaneous with the beginning of the song was the commencement of the building of the dark circle. All the young and middleaged men in camp assisted. They dragged the branches from where they had been cut down in the neighboring woods and put them in position in the circle with great celerity. The work was all done in less than an hour, during which time the chanter ceased not for an instant his song and rattle. When the fence was finished to his satisfaction he stopped his song and the labors of the workmen ceased with the sound. When finished the corral averaged

about forty paces in diameter, and the fence was about eight feet high, with an opening left in the east about ten feet wide.

125. The moment the dark circle of branches was finished it inclosed sacred ground. Any dog who dared to enter was chased out with shouts and missiles. The man or woman who came must, on the first occasion, pass around to the left, i. e., to the south of the great wood-pile. No one was allowed to peep through the fence or look over the edge of it to witness the ceremonies. That part of the auditorium was reserved for the spirits of the bears and other ancestral animal gods. No horse might be led into the inclosure until after sunrise next morning, when the fence was razed and all became common soil once more.

126. When the night began to fall many of the visitors moved all their goods into the corral and lighted there a number of small fires close to the fence, temporarily abandoning their huts and shelters outside. Those who did not move in left watchers to protect their property; for there are thieves among the Navajo. The woods around the corral were lighted up in various directions by the fires of those who had not taken their property into the great inclosure and of parties who were practicing dances and shows of an exoteric character.

127. The nocturnal performances of *this* evening (Tuesday, October 28, 1884) were as meager as any I have seen within the dark circle of branches. The best show I ever witnessed in the circle was one which took place at Keam's Cañon, Arizona, on the 5th of November, 1882. For this reason I will make the notes taken on the latter occasion the basis of my description of the "corral dance," adding as I proceed such comments as may be justified by subsequent observation and information.

128. At 8 o'clock a band of musicians which I will call the orchestra entered, sat down beside one of the small fires in the west, and began to make various vocal and instrumental noises of a musical character, which continued with scarcely any interruption until the close of the dance in the morning. At the moment the music began the great central fire was lighted, and the conflagration spread so rapidly through the entire pile that in a few moments it was enveloped in great flames. A storm of sparks flew upward to the height of a hundred feet or more, and the descending ashes fell in the corral like a light shower of snow. The heat was soon so intense that in the remotest parts of the inclosure it was necessary for one to screen his face when he looked towards the fire. And now all was ready to test the endurance of the dancers who must expose, or seem to expose (paragraph 149), their naked breasts to the torrid glow.

129. *First dance* (Plate XII). When the fire gave out its most intense heat, a warning whistle was heard in the outer darkness, and a dozen forms, lithe and lean, dressed only in the narrow white breech-cloth and moccasins, and daubed with white earth until they seemed a group of living marbles, came bounding through the entrance, yelping

DANCE OF NA-KAÏ

like wolves and slowly moving around the fire. As they advanced in single file they threw their bodies into divers attitudes—some graceful, some strained and difficult, some menacing. Now they faced the east, now the south, the west, the north, bearing aloft their slender wands tipped with eagle down, holding and waving them with surprising effects. Their course around the fire was to the left, i. e., from the east to the west, by way of the south, and back again to the east by way of the north, a course taken by all the dancers of the night, the order never being reversed. When they had encircled the fire twice they began to thrust their wands toward it, and it soon became evident that their object was to burn off the tips of eagle down; but owing to the intensity of the heat it was difficult to accomplish this, or at least they acted well the part of striving against such difficulty. One would dash wildly towards the fire and retreat; another would lie as close to the ground as a frightened lizard and endeavor to wriggle himself up to the fire; others sought to catch on their wands the sparks flying in the air. One approached the flaming mass, suddenly threw himself on his back with his head to the fire, and swiftly thrust his wand into the flames. Many were the unsuccessful attempts; but, at length, one by one, they all succeeded in burning the downy balls from the ends of their wands. As each accomplished this feat it became his next duty to restore the ball of down. The mechanism of this trick has been described (paragraph 120), but the dancer feigned to produce the wonderful result by merely waving his wand up and down as he continued to run around the fire. When he succeeded he held his wand up in triumph, yelped, and rushed out of the corral. The last man pretended to have great difficulty in restoring the down. When at last he gave his triumphant yell and departed it was ten minutes to 9. The dance had lasted twenty minutes.

130. In other repetitions of this ceremony the writer has witnessed more of burlesque than on this occasion. Sometimes the performers have worn immense false mustaches, exaggerated imitations of spectacles and of other belongings of their white neighbors. Sometimes the dance has assumed a character which will not be described in this place (paragraph 146). It is called nahikàï-alil. The former word signifies "it becomes white again" and refers to the reappearance of the eagle down. The show is said to have been introduced among the Navajo at the great corral dance mentioned in the myth (paragraphs 69–72) by a tribe from the south named ȼildjèhe. It is no essential part of the rites of the dark circle, yet I have never known it to be omitted, probably because it is a most suitable dance for the time when the fire is the hottest.

131. *Second dance.* After an interval of three-quarters of an hour, the dance of the kátso-yisçàn, the great plumed arrow, the potent healing ceremony of the night, began. There were but two performers. They were dressed and arrayed much like the akáninili, but they bore no meal bags, wore no beaver collars, and the parts of their bodies that

were not painted black—legs and forearms—were daubed with white earth. Instead of the wand of the akáninili, each bore in his hand one of the great plumed arrows. While they were making the usual circuits around the fire, the patient (a man on this occasion) was placed sitting on a buffalo robe in front of the orchestra. They halted before the pa-

FIG. 54. Dancer holding up the great plumed arrow.

FIG. 55. Dancer "swallowing" the great plumed arrow.

tient; each dancer seized his arrow between his thumb and forefinger about eight inches from the tip, held the arrow up to view, giving a coyote-like yelp, as if to say, "So far will I swallow it" (Fig. 54), and then appeared to thrust the arrow, slowly and painfully, down his throat (Fig. 55) as far as indicated. While the arrows seemed still to be stuck in their throats, they danced a chassé, right and left, with short, shuffling

steps. Then they withdrew the arrows, and held them up to view as before, with triumphant yelps, as if to say, "So far have I swallowed it." Sympathizers in the audience yelped in response. The next thing to be done was to apply the arrows. One of the dancers advanced to the patient, and to the soles of the feet of the latter he pressed the magic weapon with its point to the right, and again with its point to the left. In a similar manner he treated the knees, hands, abdomen, back, shoulders, crown, and mouth in the order named, giving three coyote-like yelps after each application. When the first dancer had completed the work, the other took his place and went through exactly the same performance. This finished, the sick man and the buffalo robe were removed. The bearers of the arrows danced once more around the fire and departed.

132. The plumed arrow is frequently referred to in the songs of this rite. It seems to be the most revered implement and the act in which it appears the most revered alili of the night. All the other shows may be omitted at will, but the dance of the kátsò-yisçàn, it is said, must never be neglected. I have witnessed other performances where the arrow swallowers reappeared with their numbers increased to six or eight. The additional dancers all pretended to swallow arrows, but they did not apply them to the patient. The origin of this alili is well accounted for in the myth (paragraphs 47, 55, and 69), and the peculiar significance of the injunction not to break the arrow is easily understood when we know how the arrow is made.

133. *Third dance.* At 10 o'clock the sound of the whistle again called the spectators to attention and a line of twenty-three dancers came in sight. The one who led the procession bore in his hand a whizzer (Fig. 56) such as schoolboys use, a stick tied to the end of a string; this he constantly whirled, producing a sound like that of a rain storm. After him came one who represented a character, the Yèbaka (anglicized, Yaybaka), from the great nine days' ceremony of the klèdji-qaçàl, or night chant, and he wore a blue buckskin mask that belongs to the character referred to. From time to time he gave the peculiar hoot or call of the Yàybichy, "hu'hu'hu'hu" (paragraph 32). After him followed eight wand bearers. They were dressed like the bearers of the great plumed arrows; but instead of an arrow each bore a wand made of grass, cactus, and eagle plumes. The rest of the band were choristers in ordinary dress. As they were all proceeding round the fire for the fourth time they halted in the west, the choristers sat and the standing wand bearers formed a double row of four. Then the Yaybaka began to hoot, the orchestra to play, the choristers to sing, the whizzer to make his mimic storm, and the wand bearers to dance. The latter, keeping perfect time with the orchestra, went through a series of figures not unlike those of a modern quadrille. In our terpsichorean nomenclature the "calls" might have thus been given: "Forward and back. Chassez twice. Face partners. Forward and back. Forward and bow. Forward and embrace. Forward and wave wands at part-

ners," &c. When several of these evolutions had been performed in a graceful and orderly manner, the choristers rose, and all went singing out at the east.

134. Three times more the same band returned. In the third and fourth acts the wands were exchanged for great piñon poles (eight to ten feet long), portions of which they pretended to swallow, as their predecessors had done with the arrows. (Paragraph 48.) That the simple and devoted Pueblo Indian does actually, in dances of this character, thrust a stick far down his gullet, to the great danger of health and even of life, there is little reason to doubt; but the wily Navajo attempts no such prodigies of deglutition. A careful observation of their movements on the first occasion convinced me that the stick never passed below the fauces, and subsequent experience in the medicine lodge only strengthened the conviction (paragraph 121).

135. The instrument designated above as the whizzer is a thin, flat, pointed piece of wood, painted black and sparkling with the specular iron ore which is sprinkled on the surface; three small pieces of turquoise are inlaid in the wood to represent eyes and mouth. One whizzer which I examined was nine inches long, one and three-fourths inches broad, and about a quarter of an inch thick in the thickest part. (Fig. 56.) To it was attached a string about two feet long, by means of which the centrifugal motion was imparted to it. It is called by the Navajo tsín-ɸe'ní', or groaning stick. It is used among many tribes of the southwest in their ceremonies. The Navajo chanters say that the sacred groaning stick may only be made of the wood of a pine tree which has been struck by lightning.

FIG. 56. The whizzer.

136. In the *Fourth dance* there were about thirty choristers, in ordinary dress, bearing piñon wands; there was a man who shook a rattle, another who whirled the groaning stick, and there were three principal dancers, wearing fancy masks and representing characters from the rites of the klèdji qaçàl or dance of the "Yàybichy." These three danced a lively and graceful jig, in perfect time to the music, with many bows, waving of wands, simultaneous evolutions, and other pretty motions which might have graced the spectacular drama of a metropolitan theater. Three times they left the corral for a moment, and returning varied the dance, and always varied to improve. The wands they bore were large light frames of reeds adorned with large eagle plumes.

137. After this there was an interval of nearly an hour, which passed slowly with those in the corral. Some smoked and gossiped; some listened to the never ceasing din of the orchestra or

joined in the chant; some brought in wood and replenished the waning fires; some, wrapped in their serapes, stretched themselves on the ground to catch short naps.

138. *Fifth dance.* It was after midnight when the blowing of a hoarse buffalo horn announced the approach of those who were to perform the fifth dance, the tcòhanoai alili or sun show. There were twenty-four choristers and a rattler. There were two character dancers, who were arrayed, like so many others, in little clothing and much paint. Their heads and arms were adorned with plumes of the war eagle, their necks with rich necklaces of genuine coral, their waists with valuable silver studded belts, and their loins with bright sashes of crimson silk. One bore on his back a round disk, nine inches in diameter, decorated with radiating eagle plumes to represent the sun. The other carried a disk, six and a half inches in diameter, similarly ornamented, to symbolize the moon. Each bore a skeleton wand of reeds that reminded one of the frame of a great kite; it was ornamented with pendant eagle plumes that swayed with every motion of the dancer. While the whole party was passing round the fire in the usual manner wands were waved and heads bowed towards the flames. When it stopped in the west the choristers sat and sang and the rattler stood and rattled, while the bearers of the sun and the moon danced at a lively rate for just three minutes. Then the choristers rose and all sang and danced themselves out of sight. A second performance of this dance came between the first and second repetitions of the next show.

139. I have recorded one story (but have heard of another) accounting for the origin of this dance; it is as follows: When Dsilyi' Neyáni visited the mountain of Bistcàgi, the home of Estsàn ȼigìni, these divine beings had for ornaments on their walls the sun and the moon. When the great mythic dance was given they were among the guests. They brought their wall decorations, and when the time for their alili came they wore the sun and the moon on their backs when they danced.

140. The *Sixth dance*, that of the standing arcs, was both picturesque and ingenious. The principal performers were eight in number, as usual with scanty clothing. Their hair fell loose and long over back and shoulders and each bore in front of him, held by both hands, a wooden arc, ornamented with eagle plumes. The ends of the arc (which was a full semicircle) showed tufts of piñon twigs, and they were evidently joined together by a slender string, which was invisible to the audience. Besides the eight principal actors, there was a rattler, a bearer of the groaning stick, and a chorus. While all were making the fourth circuit of the fire, frequent shouts of "Çòhe! Çòhe!" (Englished, Thòhay—"Stand! stand!" or "Stay! stay!") were heard, the significance of which soon became apparent. When they stopped in the west, the eight character dancers first went through various quadrille-like figures, such as were witnessed in the third dance, and then knelt in two rows that faced one another. At a word from the rattler the man who was nearest to him

(whom I will call No. 1) arose, advanced to the man who knelt opposite to him (No. 2) with rapid, shuffling steps, and amid a chorus of "Thòhay! Thòhay!" placed his arc with caution upon the head of the latter. Although it was held in position by the friction of the piñon tufts at each ear and by the pressure of the ends of the arc, now drawn closer by the subtending string, it had the appearance of standing on the head without material support, and it is probable that many of the uninitiated believed that only the magic influence of the oft-repeated word "Thòhay" kept it in position. When the arc was secured in its place, No. 1 retreated with shuffling steps to his former position and fell on his knees again. Immediately No. 2 advanced and placed the arc which he held in his hand on the head of No. 1. Thus each in turn placed his arc on the head of the one who knelt opposite to him until all wore their beautiful halo-like headdresses. Then, holding their heads rigidly erect, lest their arcs should fall, the eight kneeling figures began a splendid, well timed chant, which was accentuated by the clapping of hands and joined in by the chorus. When the chant was done the rattler addressed the arc bearers, warning them to be careful; so they cautiously arose from their knees and shuffled with stiffened spines out of the corral, preceded by the choristers. This dance was repeated after the second performance of the fifth dance.

141. *Seventh dance.* The arc bearers had scarcely disappeared when another troupe entered the circle, the buffalo horn announcing their coming. A man with a whizzer led the procession. The choristers, in ordinary dress, were thirteen in number. The principal dancers were but two; they wore the usual sash and belt; the uncovered skin was painted white; they had on long blue woolen stockings of Navajo make and moccasins. Each bore a slender wand of two triangles of reeds, adorned at the corners with pendant plumes. They saluted the fire as they danced around it. They halted in the west, where the choristers sat down, and the two wand bearers danced for three minutes in a lively and graceful manner, to the music of the whizzer, the rattle, the choristers, and the drum of the orchestra. These returned twice more, making some variation in their performance each time. In the second act the rattler brought in under his arm a basket containing yucca leaves, and a prayer was said to the sun. It is possible that this dance was but a preliminary part of the eighth dance, but it must be described as a separate alili.

142. *Eighth dance.* In this there were sixteen performers, in ordinary Navajo dress. One of these bore the whizzer and led the procession; another, who came in the center of the line, carried a hewn plank, or puncheon, about 12 feet long and 4 inches broad, painted with spots and decorated with tufts of piñon branchlets and with eagle plumes; immediately behind the bearer of the plank walked a man who had in a basket an effigy of the sun, formed of a small round mirror and a number of radiating scarlet plumes. Having walked around the fire as usual,

the whole party gathered in the west in a close circle, which completely excluded from the sight of the audience the operations of the actors. Singing, rattling, and cries of "Thòhay!" were heard. In a few minutes the circle opened and the hewn plank, standing upright on a small Navajo blanket, without any apparent prop or support, was disclosed to view. At the base of the plank was the basket holding the figure of the sun. Singing was continued and so were the uproarious cries of "Thòhay"—cries anxious, cries appealing, cries commanding—while the bearer of the rattle stood facing the pole and rattling vigorously at it. At length, seemingly in obedience to all this clamor, the solar image left the basket and slowly, falteringly, totteringly, ascended the plank to within a few inches of the top. Here it stopped a moment and then descended in the same manner in which it rose. Once more was it made to rise and set, when the circle of dancers again closed, the plank, sun, and basket were taken in custody, and the dancers departed. Taking into consideration the limited knowledge and rude implements of the originators (for this alili is not of modern origin), this was a well performed trick. The means used for supporting the pole and pulling up the sun could not be detected. The dancers formed a semicircle nearly ten feet distant from the pole and the light of the central fire shone brightly upon all.

143. *Ninth dance.* It was after 1 o'clock in the morning when the dance of the hoshkàwn (*Yucca baccata*) began. (Fig. 57. See paragraph 3.) The ceremony was conducted in the first part by twenty-two persons in ordinary dress. One bore, exposed to view, a natural root of yucca, crowned with its cluster of root leaves, which remain green all winter. The rest bore in their hands wands of piñon. What other properties they may have had concealed under their blankets the reader will soon be able to conjecture. On their third journey around the fire they halted in the west and formed a close circle for the purpose of concealing their operations, such as was made in the eighth dance. After a minute spent in singing and many repetitions of "Thòhay," the circle opened, disclosing to our view the yucca root planted in the sand. Again the circle closed; again the song, the rattle, and the chorus of "Thòhay" were heard, and when the circle was opened the second time an excellent counterfeit of the small budding flower stalk was seen amid the fascicle of leaves. A third time the dancers formed their ring of occultation; after the song and din had continued for a few seconds the circle parted for the third time, when, all out of season, the great panicle of creamy yucca flowers gleamed in the firelight. The previous transformations of the yucca had been greeted with approving shouts and laughter; the blossoms were hailed with storms of applause. For the fourth and last time the circle closed, and when again it opened the blossoms had disappeared and the great, dark green fruit hung in abundance from the pedicels. When the last transformation was completed the dancers

went once more around the fire and departed, leaving the fruitful yucca behind them.

144. In a moment after they had disappeared the form of one personating an aged, stupid, short sighted, decrepit man was seen to emerge slowly from among the crowd of spectators in the east. He was dressed in an old and woefully ragged suit and wore a high, pointed

FIG. 57. Yucca baccata.

hat. His face was whitened and he bore a short, crooked, wooden bow and a few crooked, ill made arrows. His mere appearance provoked the "stoic" audience to screams of laughter, and his subsequent "low comedy business," which excelled much that I have seen on the civilized stage, failed not to meet with uproarious demonstrations of approval. Slowly advancing as he enacted his part, he in time reached the place

where the yucca stood, and, in his imbecile totterings, he at length stumbled on the plant and pretended to have his flesh lacerated by the sharp leaves. He gave a tremulous cry of pain, rubbed saliva on the part supposed to be wounded, and muttered his complaints in a weak and shaking voice. He pretended then to seek for the plant, and was three times wounded in his efforts to find it. At length, kneeling on the ground, with his face buried in the leaves, he feigned to discover it, and rejoiced with querulous extravagance over his success. When he had marked the spot and the way back to it with an exaggerated burlesque of the Indian methods of doing these things, he went off to find his "old woman" and bring her to pick the fruit. Soon he returned with a tall, stalwart man, dressed to represent a hideous, absurd-looking old granny. The latter acted his part throughout the rest of the drama with a skill fully equal to that of his comrade.

145. There were scenes in this drama which may not be told in this connection. It will suffice to say here that when the yucca fruit was picked and put in the basket the old man helped the "woman" to shoulder her load and the pair left the corral. The hackàn-inçá' does not invariably appear in the corral dance. I have attended one ceremony where it was omitted. I have heard two descriptions of the dance which differed very much from the one given above.

146. Many facts concerning not only the hackàn-inçá', but other parts of the mountain chant, have not been allowed to appear in this essay. Recognized scientists may learn of them by addressing the author through the Director of the Bureau of Ethnology.

147. *Tenth dance.* At twenty minutes past three an uninteresting performance called the "bear dance" began. A man entered on all fours; his face was painted white; he wore around his loins and over his shoulders pieces of some dark pelt which may have been bear skin, but looked more like the skin of a black sheep. The fire had now burned low and the light was dim. He was accompanied by two attendants, one of whom carried a rattle. He went twice around the ring, imitating the lumbering gait of the bear. He occasionally made a clumsy lunge sidewise at some of the spectators, as though he would attack them; but on these occasions the man with the rattle headed him off and rattling in his face directed him back to the usual course around the fire. This show lasted five minutes.

148. The *Eleventh dance* was the fire dance, or fire play, which was the most picturesque and startling of all. Some time before the actors entered, we heard, mingled with the blowing of the buffalo horn, strange sounds, much like the call of the sand-hill crane; they will, for convenience, be called trumpeting. These sounds continued to grow louder and come nearer until they were heard at the opening in the east, and in a second after, ten men, having no more clothing on than the performers in the first dance, entered. Every man except the leader bore a long thick bundle of shredded cedar bark in each hand and one had

two extra bundles on his shoulders for the later use of the leader. The latter carried four small fagots of the same material in his hands. Four times they all danced around the fire, waving their bundles of bark towards it. They halted in the east; the leader advanced towards the central fire, lighted one of his fagots, and trumpeting loudly threw it to the east over the fence of the corral. He performed a similar act at the south, at the west, and at the north; but before the northern brand was thrown he lighted with it the bark bundles of his comrades. As each brand disappeared over the fence some of the spectators blew into their hands and made a motion as if tossing some substance after the departing flame. When the fascicles were all lighted the whole band began a wild race around the fire. At first they kept close together and spat upon one another some substance of supposed medicinal virtue. Soon they scattered and ran apparently without concert, the rapid racing causing the brands to throw out long brilliant streamers of flame over the hands and arms of the dancers. Then they proceeded to apply the brands to their own nude bodies and to the bodies of their comrades in front of them, no man ever once turning round; at times the dancer struck his victim vigorous blows with his flaming wand; again he seized the flame as if it were a sponge and, keeping close to the one pursued, rubbed the back of the latter for several moments, as if he were bathing him. In the mean time the sufferer would perhaps catch up with some one in front of him and in turn bathe him in flame. At times when a dancer found no one in front of him he proceeded to sponge his own back, and might keep this up while making two or three circuits around the fire or until he caught up with some one else. At each application of the blaze the loud trumpeting was heard, and it often seemed as if a great flock of cranes was winging its way overhead southward through the darkness. If a brand became extinguished it was lighted again in the central fire; but when it was so far consumed as to be no longer held conveniently in the hand, the dancer dropped it and rushed, trumpeting, out of the corral. Thus, one by one, they all departed. When they were gone many of the spectators came forward, picked up some of the fallen fragments of cedar bark, lighted them, and bathed their hands in the flames as a charm against the evil effects of fire.

149. Did these dancers, next day, hide sore and blistered backs under their serapes? I think not, for I have seen and conversed with some of the performers immediately after the fire show, and they seemed happy and had nothing to complain of. Did the medicine they spat on one another save them? Certainly not, although the Indians claim it is a true prophylactic against burns and call it azè-sakázi or cold medicine. But it is probable that the cedar bark ignites at a low temperature, and more than probable that the coating of white earth with which their bodies were covered is an excellent non-conductor. However, the thought that their bodies might have been thus ingeniously protected lessened little, if any, the effect produced on the spectator. I

FIRE DANCE

have seen many fire scenes on the stage, many acts of fire eating and fire handling by civilized jugglers, and many fire dances by other Indian tribes, but nothing quite comparable to this in all its scenic effects.

150. The closing ceremonies I did not witness on this occasion, but I saw them at subsequent dances. Shortly before sunrise an assistant passed around the fire four times and sprinkled a little water on the mass of smoldering embers, while the medicine man chanted the appropriate song. Later, three gaps were torn in the circle of branches—one in the south, one in the west, and one in the north—making, with the original gate in the east, four entrances to the corral. (See Plate XIV.) Just after sunrise the entire circle of branches was razed, but the branches were not carried away. The traveler through the Navajo country often encounters withered remains of these circles. In the ceremony of October, 1884, the chanter, having another engagement which was pressing, packed up his sacred utensils and left soon after sunrise. The patient, it was said, was not permitted to sleep until after sunset.

151. *Other dances.* In subsequent dances I saw exhibitions which did not occur in the ceremony of November 5, 1882, just described, and I have learned of other shows produced on the last night, which I have never had an opportunity to witness. All the alilis may be modified. I have rarely seen two performances of the same dance which were just alike.

152. On two occasions I have witnessed a very pretty dance, in which an eagle plume was stuck upright in a basket and by means of some well hidden mechanism caused to dance in good time to the song, the beat of the drum, and the motions of the single Indian who danced at the same time; not only this, but the feather followed the motions of the Indian: if he danced toward the north, the feather leaned to the north while making its rhythmical motions; if he moved to the south, it bent its white head in the same direction, and so on. On one occasion it was a little boy, five years old, son of the chief Manuelito, who danced with the eagle plume. He was dressed and painted much like the akáninili, or the arrow swallowers (Figs. 54, 55), on a diminutive scale. The sash of scarlet velvet around his hips was beautifully trimmed with feathers. They said he had been several weeks in training for the dance, and he certainly went through his varied motions with great skill. I have rarely seen a terpsichorean spectacle that struck my fancy more than that of the little Indian child and his partner, the eagle plume.

153. It might be thought that the word "thòhay," so often used to make inanimate objects pay attention, was one of very sacred import. So it is, no doubt; yet I have seen it broadly burlesqued. It was on the occasion of the last "chant" which I attended. A number of boys, from twelve to fifteen years of age they seemed, led by a pleasant looking old man

with a skeptical twinkle in his eye, came into the dark circle. One of the party carried a deep Indian basket, from the top of which a number of spruce twigs protruded. They formed what has been designated as the ring of occultation, and while doing so they shouted and screamed and puffed the talismanic "thòhay" in a way that left no doubt of their intention to ridicule. Their extravagant motions added to the significance of their intonation. When the ring opened the boys sat on the ground and began to sing and beat a drum. The old man sat at a distance of about three paces west of the basket. Presently the nose of a little weasel (the image being probably a stuffed skin) appeared among the spruce boughs. All the timid, inquiring motions of the little animal were well mimicked: the nose was thrust forward and pulled back, the whole head would emerge and retreat, and at rare times the shoulders would be seen for a moment, to be quickly drawn in among the screening spruce twigs. All these motions were made in perfect time to the singing and drumming. The old man who pulled the actuating strings made no secret of his manipulations. The play was intended for a farce, and as such the spectators enjoyed it.

THE GREAT PICTURES OF DSILYÍDJE QAÇÀL.

154. A description of the four great pictures drawn in these ceremonies has been deferred until all might be described together. Their relations to one another rendered this the most desirable course to pursue. The preparation of the ground and of the colors, the application of the sacred pollen, and some other matters have been already considered.

155. The men who do the greater part of the actual work of painting, under the guidance of the chanter, have been initiated, but need not be skilled medicine men or even aspirants to the craft of the shaman. A certain ceremony of initiation has been performed on them four times, each time during the course of a different dance, before they are admitted into the lodge during the progress of the work or allowed to assist in it. The medicine man receives a good present in horses for his work; the assistants get nothing but their food. This, however, is abundant. Three times a day the person for whose benefit the dance is performed sends in enough mush, corn cake, soup, and roasted mutton to satisfy to the utmost the appetites of all in the lodge. There are some young men who live well all winter by going around the country from dance to dance and assisting in the work of the lodge.

156. The pictures are drawn according to an exact system. The shaman is frequently seen correcting the workmen and making them erase and revise their work. In certain well defined instances the artist is allowed to indulge his individual fancy. This is the case with the gaudy embroidered pouches which the gods carry at the waist. Within reasonable bounds the artist may give his god just as handsome a pouch

THE DARK CIRCLE OF BRANCHES AT SUNRISE

as he wishes. Some parts of the figures, on the other hand, are measured by palms and spans, and not a line of the sacred design can be varied. Straight and parallel lines are drawn by aid of a tightened cord. The mode of applying the colored powder is peculiar. The artist has his bark trays laid on the sand where they are convenient of access. He takes a small quantity of the powder in his closed palm and allows it to pass out between his thumb and forefinger, while the former is moved across the latter. When he makes a mistake he does not brush away the pigment. He obliterates it by pouring sand on it, and then draws the corrected design on the new surface. The forms of the gods do not appear as I have represented them in the first coat of color. The naked figures of these mythical beings are first completely and accurately drawn and then the clothing is put on. Even in the pictures of the "Long-bodies" (Plate XVII), which are drawn 9 feet in length, the naked body is first made in its appropriate color—white for the east, blue for the south, yellow for the west, and black for the north—and then the four red shirts are painted on from thigh to axilla, as shown in the picture.

157. The drawings are, as a rule, begun as much towards the center as the nature of the figure will permit, due regard being paid to the order of precedence of the points of the compass, the figure in the east being begun first, that in the south next, that in the west third in order, and that in the north fourth. The periphery is finished last of all. The reason for thus working from within outwards is that the men employed on the picture disturb the smooth surface of the sand with their feet. If they proceed in the order described they can smooth the sand as they advance and need not cross the finished portions of the picture.

158. I have learned of seventeen great healing dances of the Navajo in which pictures of this character are drawn. There are said to be, with few exceptions—only one exception that I am positively aware of—four pictures appropriate to each dance. Some of the dances are practiced somewhat differently by different schools or orders among the medicine men, and in these divers forms the pictures, although agreeing in general design, vary somewhat in detail. Thus there are, on an average, probably more than four designs, belonging to each of the seventeen ceremonies, whose names I have obtained. If there were but four to each, this would give us sixty-eight such paintings known to the medicine men of the tribe, and thus we may form some conception of the great number of these sacred pictures which they possess. But I have reason to believe, from many things I have heard, that besides these seventeen great nine days' ceremonies to which I refer, there are many minor ceremonies, with their appropriate pictures; so that the number is probably greater than that which I give.

159. These pictures, the medicine men aver, are transmitted from teacher to pupil in each order and for each ceremony unaltered from

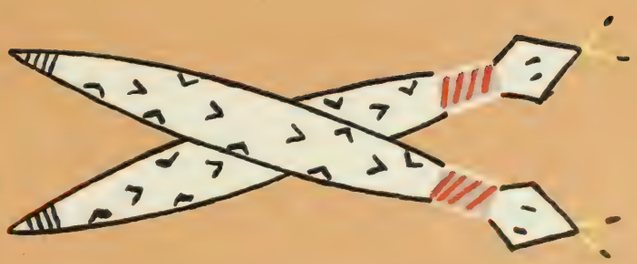
year to year and from generation to generation. That such is strictly the case I cannot believe. There are no standard pictures on hand anywhere. No permanent design for reference is ever in existence, and there is, so far as I can learn, no final authority in the tribe to settle any disputes that may arise. Few of these great ceremonies can be performed in the summer months. Most of the figures are therefore carried over from winter to winter in the memories of fallible men. But this much I do credit, that any innovations which may creep into their work are unintentional and that if changes occur they are wrought very slowly. The shamans and their faithful followers believe, or profess to believe, that the direst vengeance of the gods would visit them if these rites were varied in the least in picture, prayer, song, or ceremonial. The mere fact that there are different schools among the medicine men may be regarded as an evidence that changes have occurred.

160. First Picture. The picture of the first day (Plate XV) is said to represent the visit of Dsilyi' Neyáni to the home of the snakes at Qo¢estsò. (Paragraph 53.)

161. In the center of the picture was a circular concavity, about six inches in diameter, intended to represent water, presumably the house of water mentioned in the myth. In all the other pictures where water was represented a small bowl was actually sunk in the ground and filled with water, which water was afterwards sprinkled with powdered charcoal to give the impression of a flat, dry surface. Why the bowl of water was omitted in this picture I do not know, but a medicine man of a different fraternity from that of the one who drew the picture informed me that with men of his school the bowl filled with water was used in the snake picture as well as in the others. Closely surrounding this central depression are four parallelograms about four inches by ten inches in the original pictures. The half nearer the center is red; the outer half is blue; they are bordered with narrow lines of white. The same figures are repeated in other paintings. They appear in this drawing, and frequently in others, as something on which the gods seem to stand. They are the ca'bitlòl, or rafts of sunbeam, the favorite vessels on which the divine ones navigate the upper deep. In the Navajo myths, when a god has a particularly long and speedy journey to make, he takes two sunbeams and, placing them side by side, is borne off in a twinkling whither he wills. Red is the color proper to sunlight in their symbolism, but the red and blue together represent sunbeams in the morning and evening skies when they show an alternation of blue and red. It will be seen later that the sunbeam shafts, the halo, and the rainbow are represented by the same colors. In form, however, the halo is circular, and the rainbow is distinguished by its curvature, and it is usually anthropomorphic, while the sunbeam and the halo are not. External to these sunbeam rafts, and represented as standing on them, are the figures of eight serpents, two white ones in

Julius Bie

FIRST DRY



the east, two blue ones in the south, two yellow ones in the west, and two black ones in the north. These snakes cross one another (in pairs) so as to form four figures like the letter X. In drawing these X's the snake which appears to be beneath is made first complete in every respect, and then the other snake is drawn over it in conformity with their realistic laws of art before referred to. The neck, in all cases, is blue, crossed with four bands of red. The necks of the gods in all the pictures, it will be observed, are made thus, but the bars in the man-like figures run transversely, while those in the snake-like run diagonally. Three rows of V-shaped figures, four in each row, are seen on the backs of the snakes; these are simply to represent mottlings. Outside of these eight snakes are four more of much greater length; they form a frame or boundary to the picture, except in the west, where the mountain of Dsilyà-içín lies beyond them. There is a white snake in the east, lying from north to south and bounding the picture in the east; a blue snake, of similar size and shape, in the south; a yellow one in the west, and a black one in the north. They seem as if following one another around the picture in the direction of the sun's apparent course, the head of the east snake approximating the tail of the south snake, and so on.

162. In the northeast is seen the yay, Niltci, who accompanied the Navajo prophet to the home of the snakes. In the extreme west is a black circular figure representing the mountain of Dsilyà-içín. In the original picture the mountain was in relief—which I have not attempted to represent—a little mound of about ten or twelve inches high. The description of the mountain given in the myth is duly symbolized in the picture, the halo added. The green spot in the center is designed to represent a twig of spruce which was stuck in the mound of sand to indicate the spruce tree door. From the summit of the mountain to the middle of the central waters is drawn a wide line in corn meal, with four footprints, depicted at intervals, in the same material. This represents the track of a bear. Immediately south of this track is the figure of an animal drawn in gray pigment. This is the grizzly himself, which here, I have reason to believe, is used as a symbol of the Navajo prophet. The bear, in the sacred language of the shamans, is appropriately called Dsilyi' Neyáni, since he is truly reared within the mountains. His track, being represented by a streak of meal, has reference to the same thing as the name akáninili and the practice of the couriers (paragraph 102), who are dressed to represent the prophet, throwing corn meal in front of them when they travel.

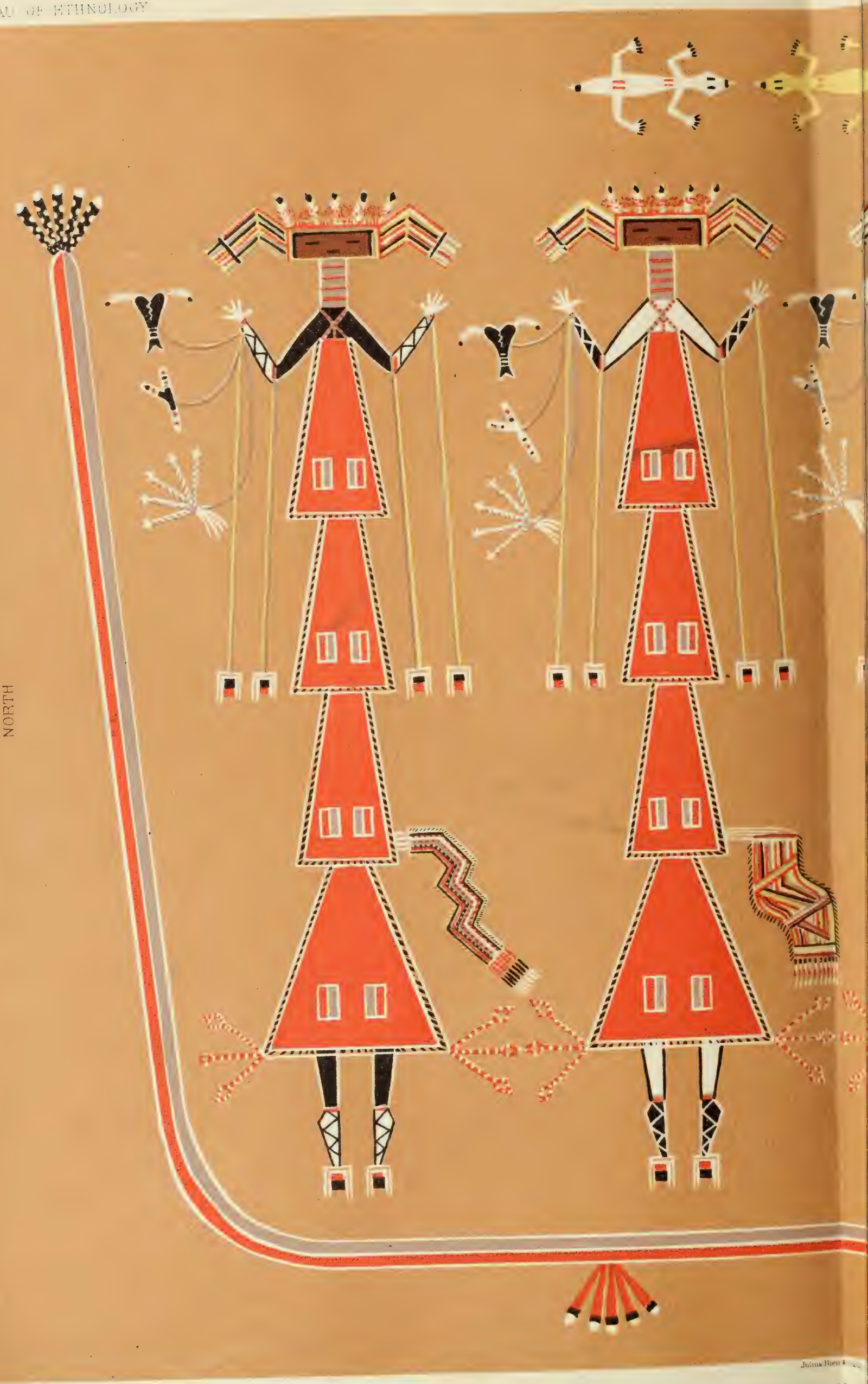
163. The SECOND PICTURE is said to be a representation of the painting which the prophet saw in the home of the bears in the Carrizo Mountains (paragraph 40). In the center of this figure is the bowl of water covered with black powder, to which I referred before. The edge of the bowl is adorned with sunbeams, and external to it are the four ca'bitlol, or sunbeam rafts, on which seem to stand four gods, or yays.

164. The divine forms are shaped alike but colored differently. They lie with heads extended outward, one to each of the four cardinal points of the compass, the faces looking forward, the arms half extended on either side, with the hands raised to a level with the shoulders. They wear around their loins skirts of red sunlight, adorned with sunbeams. They have ear pendants, bracelets, and armlets, blue and red (of turquoise and coral), the prehistoric and emblematic jewels of the Navajo. Their forearms and legs are black, showing in each a zigzag mark to represent lightning on the surface of the black rain clouds. In the north god these colors are, for artistic reasons, reversed. Each bears, attached to his right hand with a string, a rattle, a charm, and a basket. The rattle is of the shape of those used by the medicine men in this particular dance, made of raw hide and painted to symbolize the rain cloud and lightning. The left hand is empty; but beside each one is a highly conventionalized picture of a plant. The left hand remains empty, as it were, to grasp this plant, to indicate that the plant at the left hand belongs to the god whose corresponding hand is unoccupied and extended towards it. The proprietorship of each god in his own particular plant is further indicated by making the plant the same color as the god. The body of the eastern god is white; so is the stalk of corn at his left, in the southeast. The body of the southern god is blue; so is the beanstalk beside him, in the southwest. The body of the western god is yellow; so is his pumpkin vine, in the northwest. The body of the north god is black; so is the tobacco plant, which is under his special protection, in the northeast.

165. Each of the four sacred plants is represented as growing from five white roots in the central waters and spreading outwards to the periphery of the picture. The gods form one cross whose limbs are directed to the four cardinal points; the plants form another cross having a common center with the first named cross, but whose limbs extend to the intermediate points of the compass.

166. On the head of each yay is an eagle plume lying horizontally and pointing to the right. A similar arrangement of four plumes, all pointing in one direction (contrary to the sun's apparent course), may be observed on the baskets carried by the gods.

167. The gods are represented with beautiful embroidered pouches, each of a different pattern. In old days the most beautiful things in art the Navajo knew of were the porcupine quill embroideries of the northern races. The art of garnishing with quills, and later with beads, seems never to have been practiced to any extent by the Navajo women. They obtained embroideries of the Ute and other northern tribes, and their ancient legends abound in allusions to the great esteem in which they held them. (See, for instance, paragraphs 32, 34.) Hence, to represent the grandeur and potency of their gods, they adorn them with these beautiful and much coveted articles.



Julius Bien & Co.

SECOND DRY-P

168. Surrounding the picture on about three-fourths of its circumference is the anthropomorphic rainbow or rainbow deity. It consists of two long stripes, each about two inches wide in the original picture, one of blue, one of red, bordered and separated by narrow lines of white. At the southeastern end of the bow is a representation of the body below the waist, such as the other gods have, consisting of pouch, skirt, legs, and feet. At the northeastern end we have head, neck, and arms. The head of the rainbow is rectangular, while the heads of the other forms in this picture are round. In the pictures of the Yàybichy dance we frequently observe the same difference in the heads. Some are rectangular, some are round; the former are females, the latter males; and whenever any of these gods are represented, by characters, in a dance, those who enact the females wear square stiff masks, like our dominoes, while those who enact the males wear roundish, baglike masks, of soft skin, that completely envelop the head. The rainbow god in all these pictures wears the rectangular mask. Iris, therefore, is with the Navajo as well as with the Greeks a goddess.

169. All the other gods bear something in their hands, while the hands of the rainbow are empty. This is not without intention. When the person for whose benefit the rites are performed is brought in to be prayed and sung over, the sacred potion is brewed in a bowl, which is placed on the outstretched hands of the rainbow while the ceremony is in progress and only taken from these hands when the draught is to be administered. Therefore the hands are disengaged, that they may hold the gourd and its contents when the time comes (paragraph 106).

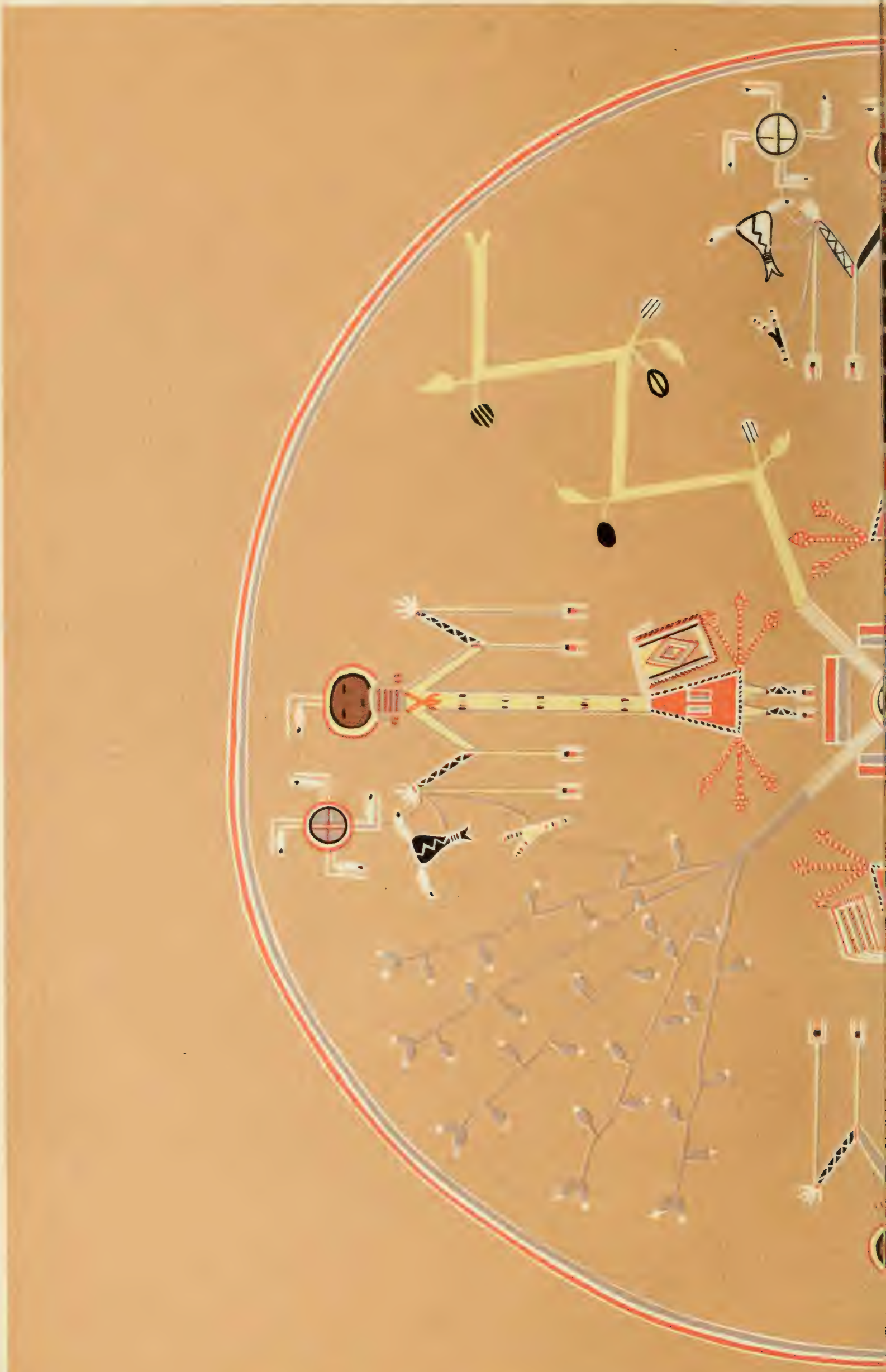
170. In the east, where the picture is not inclosed by the rainbow, we see the forms of two birds standing with wings outstretched, facing one another, their beaks close together. These represent certain birds of blue plumage called by the Navajo çòli (*Sialia arctica*). This bluebird is of the color of the south and of the upper regions. He is the herald of the morning. His call of "çòli, çòli" is the first that is heard when the gray dawn approaches. Therefore is he sacred, and his feathers form a component part of nearly all the plume sticks used in the worship of this people. Two bluebirds, it is said, stand guard at the door of the house wherein these gods dwell; hence they are represented in the east of the picture.

171. Here is an appropriate occasion to speak of a part of Navajo symbolism in color to which reference has already several times been made. In the majority of cases the east is represented by white, the south by blue, the west by yellow, the north by black; the upper world by blue and the lower by a mixture of white and black in spots. The colors of the south and west seem to be permanent: the south is always blue and the west is always yellow, as far as I can learn; but the colors of the east and north are interchangeable. The cases are rare where white is assigned to the north and black to the east; but such cases

occur, and perhaps in each instance merit special study. Again, black represents the male and blue the female.

172. The THIRD PICTURE commemorates the visit of Dsilyi' Neyáni to ɸaçò'-behogan, or "Lodge of Dew" (paragraph 56). To indicate the great height of the Bitsès-ninéz the figures are twice the length of any in the other pictures, except the rainbows, and each is clothed in four garments, one above the other, for no one garment, they say, can be made long enough to cover such giant forms. Their heads all point to the east, instead of pointing in different directions, as in the other pictures. The Navajo relate, as already told (paragraph 56), that this is in obedience to a divine mandate; but probably there is a more practical reason, which is this: if they had the cruciform arrangement there would not be room on the floor of the lodge for the figures and at the same time for the shaman, assistants, and spectators. Economy of space is essential; but, although drawn nearly parallel to one another, the proper order of the cardinal points is not lost sight of. The form immediately north of the center of the picture is done first, in white, and represents the east. That immediately next to it on the south comes second in order, is painted in blue, and represents the south. The one next below that is in yellow, and depicts the goddess who stood in the west of the House of Dew-Drops. The figure in the extreme north is drawn last of all, in black, and belongs to the north. As I have stated before, these bodies are first made naked and afterwards clothed. The exposed chests, arms, and thighs display the colors of which the entire bodies were originally composed. The glòï (weasel, *Putorius*) is sacred to these goddesses. Two of these creatures are shown in the east, guarding the entrance to the lodge. The appendages at the sides of the heads of the goddesses represent the glòï-bitcà, or headdresses of glòï skins of different colors which these mythic personages are said to wear. Each one bears attached to her right hand a rattle and a charm, or plume stick, such as the gods in the second picture carry; but, instead of the basket shown before, we see a conventionalized representation of a branch of choke cherry in blossom; this consists of five diverging stems in blue, five roots, and five cruciform blossoms in white. The choke cherry is a sacred tree, a mountain plant; its wood is used in making certain sacrificial plume sticks and certain implements of the dance; it is often mentioned in the songs of this particular rite. Some other adjuncts of this picture—the red robes embroidered with sunbeams, the arms and legs clothed with clouds and lightning, the pendants from the arms, the blue and red armlets, bracelets, and garters—have already been described when speaking of the second picture. The object in the left hand is a wand of spruce.

173. The rainbow which incloses the picture on three sides is not the anthropomorphic rainbow. It has no head, neck, arms, or lower extremities. Five white eagle plumes adorn its southeastern extremity. Five tail plumes of some blue bird decorate the bend in the southwest.



Co Lith.

The plumes of the red shafted flicker (*Colaptes auratus* var. *mexicanus*) are near the bend in the northwest and the tail of the magpie terminates the northeastern extremity. Throughout the myth, it will be remembered, not only is the House of Dew-Drops spoken of as adorned with hangings and festoons of rainbows, but many of the holy dwellings are thus embellished.

174. The FOURTH PICTURE represents the kátso-yisçàn, or great plumed arrows. These arrows are the especial great mystery, the potent healing charm of this dance. The picture is supposed to be a fac simile of a representation of these weapons, shown to the prophet when he visited the abode of the Tsilkè-¢igìni, or young men gods, where he first saw the arrows (paragraph 47). There are eight arrows. Four are in the center, lying parallel to one another—two pointing east and two others, alternate, pointing west. The picture is bordered by the other four, which have the same relative positions and directions as the bounding serpents in the first picture. The shafts are all of the same white tint, no attention being paid to the colors of the cardinal points; yet in drawing and erasing the picture the cardinal points are duly honored. Among the central arrows, the second from the top, or north margin of the design, is that of the east; it is drawn and erased first. The next below it is the arrow of the south; the third is that of the west. The one on top belongs to the north; it is drawn and erased last. The heads are painted red to represent the red stone points used; the fringed margins show the irregularities of their edges. The plumes at the butt are indicated, as are also the strings by which the plumes are tied on and the notches to receive the bowstring.

175. The ground of this picture is crossed with nebulous black streaks. These were originally present in all the pictures. I have omitted them in all but this, lest they might obscure the details of the reduced copies. It has been explained to me (although in the myth it is expressly stated only in one case, paragraph 40) that all these pictures were drawn by the gods upon the clouds and thus were shown to the Navajo prophet. Men cannot paint on the clouds, but according to the divine mandate they do the best they can on sand, and then sprinkle the sand with charcoal, in the manner indicated, to represent the cloudy scrolls whereon the primal designs of the celestial artists were painted.

SACRIFICES OF DSILYÍDJE QAÇÀL.

176. The sacrifices made to the gods during these ceremonies consist of nothing more than a few sticks and feathers, with the occasional addition of strings and beads—a form of sacrificial offering common among various tribes of the Southwest, including the sedentary Indians of the pueblos. During the six days' work in the medicine lodge and the corral, I saw but one lot of these sticks prepared (paragraphs 86, 87); but I think this lot represented two sets, i. e., sacrifices to two different

mythical beings. It is, however, indicated in the myth that a considerable number of these sacrifices, called by the Navajo keçàn (Englished, kethàwn), belong to the mountain chant and may properly be offered during its celebration. I have seen among the Navajo a few varieties of these devotional offerings and I have obtained descriptions of many. Although I cannot rely on the minute accuracy of these descriptions, I will present them for such value as they may possess in illustrating the general character of this system of worship, a system which might profitably occupy for years the best labors of an earnest student to elucidate.

177. Fig. 58 represents a kethàwn belonging, not to the mountain chant, but to the klèdji-qaçàl, or chant of the night. It is sacred to the Youth and the Maiden of the Rock Crystal, divine beings who dwell in Tsisnàtcini, a great mountain north of the Pueblo of Jemez. The original is in the National Museum at Washington. It consists of two sticks coated with white earth and joined by a cotton string a yard long, which is tied to each stick by a clove hitch. A black bead is on the center of the string; a turkey feather and an eagle feather are secured with the clove hitch to one of the sticks.

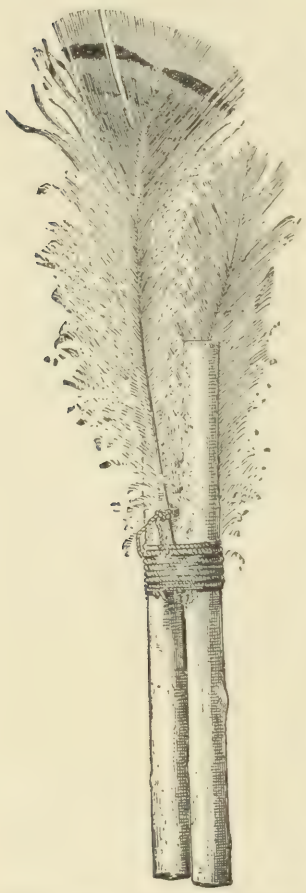
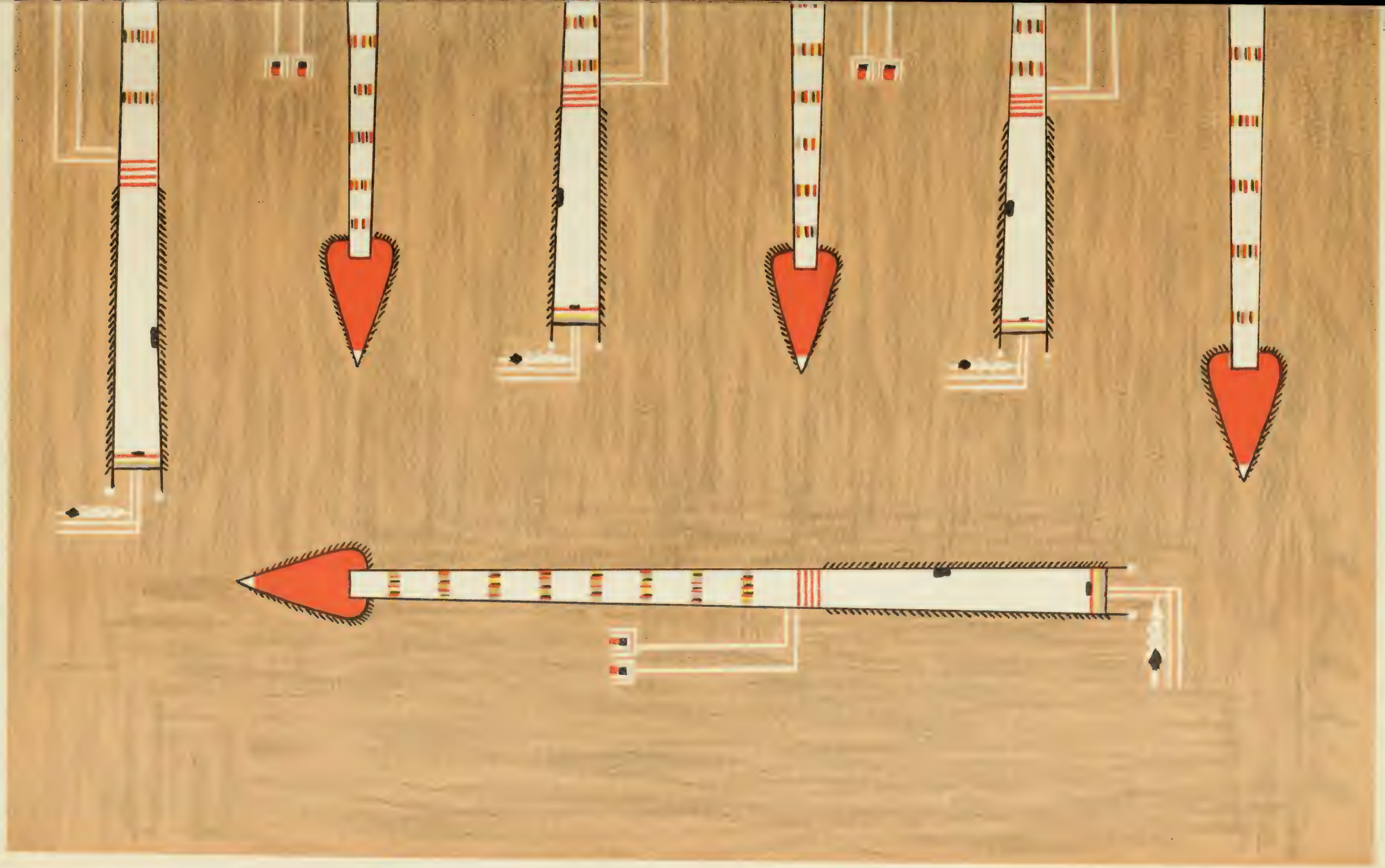


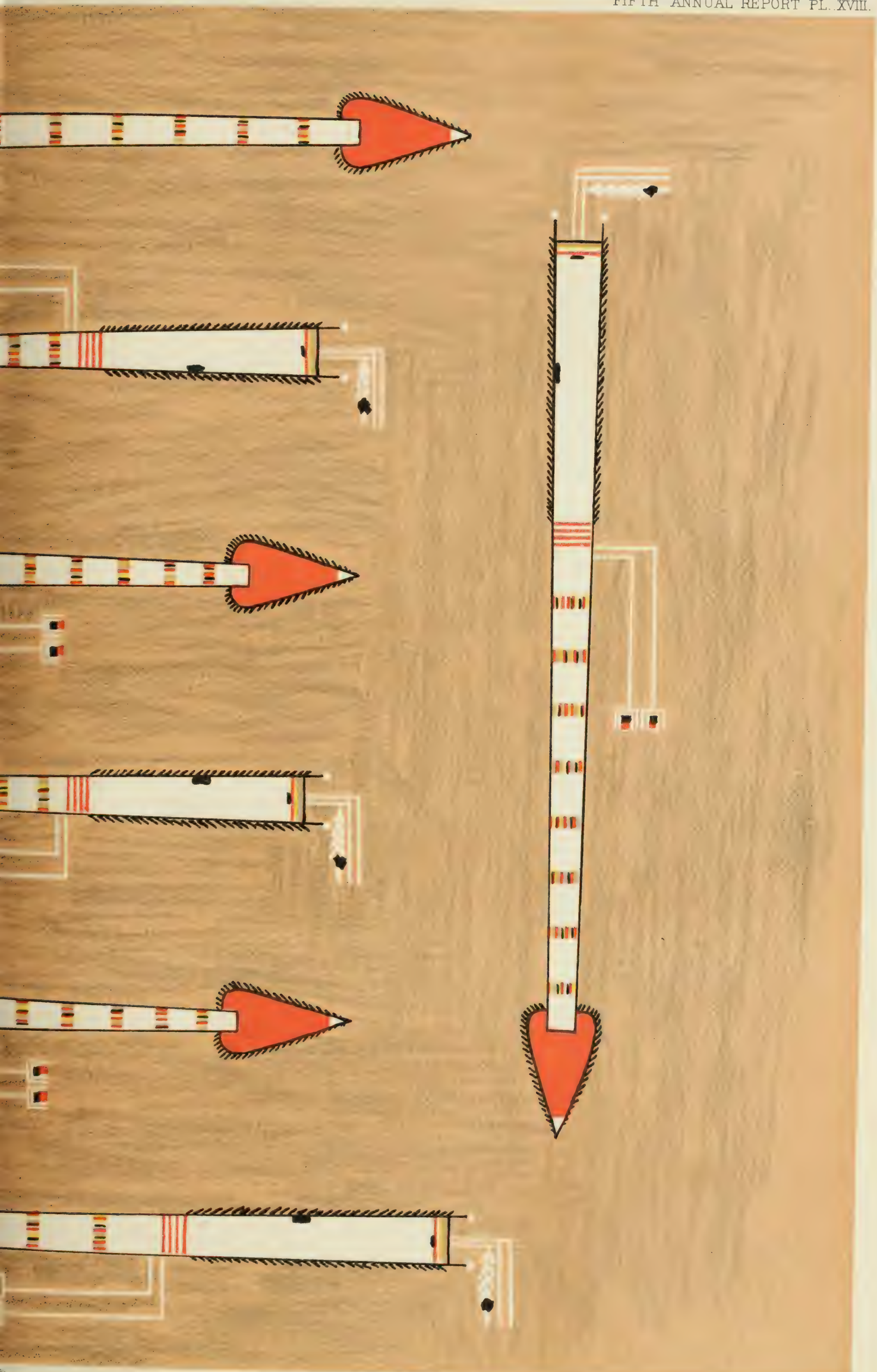
Fig. 58. Sacrificial sticks (keçàn).

178. Fig. 59 depicts a kethàwn pertaining also to the klèdji-qaçàl. It is called keçàn-yalçi', or talking kethàwn. The sticks are willow. The one to the left is painted black, to represent a male character (Qastcèbaka) in the myth and ceremony of klèdji-qaçàl. The other stick is painted blue, to denote a female character (Qastcèbaäd) in the same rites. The blue stick has a diagonal facet at the top to indicate the square topped female mask (paragraph 168). The naturally round end of the black stick sufficiently indicates the round male mask. The cord wrapped around the two sticks is similar to that described in the

Fig. 59. The talking kethàwn (keçàn-yalci').



BUREAU OF ETHNOLOGY



paragraph immediately preceding. About the middle of the cord is a long white shell bead, shown in the cut. The breast feathers of the turkey and the downy feathers of the eagle are attached to the sticks. This kethàwn I saw once in the possession of a Navajo qaçàli. I was permitted to sketch it, but could not purchase it. The interpretation given of its symbolism is that of the qaçàli who owned it. In the myth of klèdji-qaçàl it is said that the beneficent god Qastcèëlçi used this kethàwn when he removed from the prophet Co the evil spell which had been cast on the latter by the wind god.

179. In Schoolcraft's Archives of Aboriginal Knowledge, Philadelphia, 1860, Vol. III, page 306, is a cut illustrating an article undoubtedly of a similar nature to that shown in Fig. 59. It is a sacrificial plume stick of the Moki. The Moki interpreter explained to Mr. Schoolcraft that it contained a message from the Indians to the President and the particulars of this message are fully set forth in his text. At first I doubted if the object could have any other purpose than a sacrificial one and was inclined to discredit the statement of the Moki interpreter. But on learning that the Navajo had a similar arrangement of sticks and feathers, which was called by the significant name of keçànyalçì', or talking kethàwn, I was more inclined to believe that some of these kethàwns may answer a double purpose and be used to convey messages, or at least serve as mnemonic aids to envoys.

180. The cac-bikeçàn (bear kethàwn) spoken of in the myth consisted of two sticks, each a span long, one painted black (male), the other painted blue (female). Each had red and blue bands at the ends and in the middle. There were no feathers or beads. (Paragraph 40.)

181. The glòï-bikeçàn, or sacrifices to the weasels, were four in number, two yellow and two white. In preparing the sticks one end was always to be held to the north, the other towards the south. At each end a narrow circle of red and a narrow circle of blue were painted; the red being to the north, i. e., outside of the blue at one end and inside of it at the other. The weasel men directed that the sticks should be buried in the ground in the same direction in which they were held when being made, lying from north to south with the outer red ring at the north. (Paragraph 41.)

182. Four sticks pertained to the klictsò-bikeçàn: one was black, with four white deer tracks painted on it; another was blue, with four yellow deer tracks; a third was white, with four black deer tracks; the fourth was yellow, with four blue deer tracks. The Great Serpent said to the Navajo prophet: "There are certain moles who, when they dig in the ground, scatter the earth in a long winding heap like the form of a crawling snake. In such a heap of earth will you bury these kethàwns." (Paragraph 42.)

183. There are two sticks belonging to the kethàwn of the lightning god (iɸnì'-bikeçàn). One is black, with a white zigzag stripe from end

to end; the other blue, with a yellow zigzag stripe from end to end. (Paragraph 43.)

184. The Estsàn-ȼigìni, or Holy Women, showed the prophet but one kethàwn stick. It was painted white and decorated with three pairs of circular bands, red and blue, the blue in each case being next to the body of the painter while he holds the stick in decorating it. This kethàwn must be buried at the base of a young spruce tree, with the first blue circle next to the tree. (Paragraph 45.)

185. Four sticks were shown by the Tcikè-cac-nátlehi. They were black, sprinkled with specular iron ore to make them shine; decorated with three pairs of bands, red and blue, applied as in the kethàwns of the Estsàn-ȼigìni; and buried under a young piñon, with the first blue band or circle next to the tree. (Paragraph 46.)

186. The two kethàwns seen by Dsilyi' Neyáni at Big Oaks, the home of the Ȼigin-yosíni, were both banded at the ends with blue and red and had marks to symbolize the givers. One was white, with two pairs of stripes, red and blue, running lengthwise. The other was yellow, with many stripes of black and yellow running lengthwise. (Paragraph 49.)

187. At Last Mountain, the home of the skunks, two kethàwns, evidently intended to symbolize these animals, were shown to the prophet and his divine companions. Both the sticks were black: one had three white longitudinal stripes on one side; the other had three longitudinal rows of white spots, three spots in each row, on one side. (Paragraph 50.)

188. The two sticks shown by the squirrels, Glo'dsilkàï and Glo'dsiljíni, were painted blue, sprinkled with specular iron ore, and surrounded at the ends with red and blue bands. One was to be planted at the base of a pine tree and one at the base of a spruce tree.

189. At Dsilyà-içín the porcupines exhibited two kethàwns. They were very short, being equal in length to the middle joint of the little finger. One was black and one was blue. Each had red and blue terminal bands and each had a number of white dots on one side to represent porcupine quills. "Bury them," said Ȼasàni, "under a piñon tree." (Paragraph 52.)

190. At Qoȼestsò four kethàwns, rather elaborately decorated, were shown. Two were half white and half black, the black part having white spots and the white part having black spots on it. The other two were half blue and half yellow, the yellow being spotted with blue and the blue with yellow. There were red and blue rings at the ends. (Paragraph 53.)

191. The Tçikè-ȼigìni showed their visitors two kethàwns, one black and one blue. Each was a span long and was surrounded with three pairs of bands, blue and red, put on in the manner observed in making the kethàwns of the Estsàn-ȼigìni. (Paragraph 184.) To the center of the black kethàwn five blue feathers were tied. To the center of the

blue kethàwn five yellow feathers were fastened. Five black beads were interred with the black stick—one tied to the center, one stuck in the end, and three laid loose in the ground. Five blue turquoise beads were similarly buried with the blue stick. Such kethàwns must be buried at the foot of a spruce tree, with the heads towards the mountains of ȼepéntsa. By "head" is meant the end held the farther from the body of the painter when the paint is applied, the end having the red band at its extremity. (Paragraph 54.)

ORIGINAL TEXTS AND TRANSLATIONS OF SONGS, &C.

192. The songs of the dsilyídje qaçàl are very numerous and their recitation is governed by many rules, a few of which only have been discovered by the writer.

193. A list has been recorded of thirteen sets of songs which may properly be sung at night in the medicine lodge, when the ceremonies of the day are done, and in the corral on the last night, when there is no special song in progress pertaining to a particular alili or dance. The list which follows exhibits the order in which these songs may be sung on any particular night. For example, if the singers begin with a song from set III, they cannot follow immediately with a song from sets I or II, but must select from some of the following sets, as set IV or V. Again, in each set the songs have a certain order of sequence which must not be reversed. For convenience these will be called

SONGS OF SEQUENCE.

Order.	Indian name of set.	English name of set.	Number in each set.
I.	Atsáleï Bigin	Songs of the First Dancers	16
II.	Tsintsò Bigin	Songs of the Great Stick, or Plumed Wand	12
III.	ȼepè Bigin	Songs of the Mountain Sheep	12
IV.	I'ȼnì' Bigin	Songs of the Lightning	12
V.	Tsilkè-ȼigìni Bigin	Songs of the Holy Young Men	12
VI.	Tcikè-cac-nátlehi Bigin	Songs of Young Women Who Become Bears	16
VII.	Dsilyi' Neyáni Bigin	Songs of Reared Within the Mountains	8
VIII.	Tsáhagin	Awl songs	8
IX.	Nahikàï-gin	Whitening songs	8
X.	ȼasàni Bigin	Songs of the Porcupines	7
XI.	Nanisè Bigin	Songs of the Plants	8
XII.	Tsinȼilçòï Bigin	Songs of the Exploding Stick	26
XIII.	Yikàï-gin	Daylight songs	16
	Total		161

194. Besides those referred to in the above list, there are more which are appropriate to different acts in the ceremony, such as the songs sung at the obliteration of the pictures, at the building of the corral, at the departure of the akáninili, &c.

195. In some cases a number of songs in the same set are nearly alike; the addition or substitution of one verse, or even of one word, may be the only difference. Such songs usually follow one another in immediate succession; often, on the other hand, we find a great variety in subject and in style.

196. Some songs are self-explanatory or readily understood, but the greater number cannot be comprehended without a full knowledge of the mythology and of the symbolism to which they refer; they merely hint at mythic conceptions. Many contain archaic expressions, for which the shaman can assign a meaning, but whose etymology cannot now be learned; and some embody obsolete words whose meaning is lost even to the priesthood. There are many vocables known to be meaningless and recited merely to fill out the rhythm or to give a dignified length to the song. For the same reasons a meaningless syllable is often added or a significant syllable duplicated.

197. Other poetical licenses are taken, such as the omission of a syllable, the change of accent, the substitution of one vowel for another. The most familiar words are often distorted beyond recognition. For these various reasons the task of noting and translating these songs is one of considerable difficulty.

198. FIRST SONG OF THE FIRST DANCERS.

Qaniè qaò yaè, qaniè qaò yaè
Qaniè iè oayè oayè.

1. Qadjinäìa qaò yaè,
2. Kaç dsil ɸilhyíli qaò yaè,
3. 'Çaltsoï tsèë qaò yaè,
4. Cija cigèlgo qaò yaè.
   Náhi ìni èhi oayè, náhi ìni èhi oöhè.

5. Niqoyastcàdje qaò yaè,
6. Kaç dsil çolíji qaò yaè,
7. Kini bitsèë qaò yaè,
8. Cija cigèlgo qaò yaè.
   Náhi ìni, etc.

9. Qadjinäìa qaò yaè,
10. Kaç dsil litsòï qaò yaè,
11. Bitselitsòï qaò yaè,
12. Cija cigèlgo qaò yaè.
    Náhi ìni, etc.

13. Niqoyastcàdje qaò yaè,
14. Kaç dsil lakàie qaò yaè,
15. A'a'i tsèe qaò yaè,
16. Cija cigèlgo qaò yaè.
    Náhi ìni, etc.

199. *Translation.*—1, 9. Qadjinàï, "Place-where-they-came-up," a locality in the San Juan Mountains where, according to their mythology, the Navajo emerged from the lower world to this. 5, 13. Niqoyastcàdje, another name for Qadjinàï. 2, 6, 10, 14. Kaç, now; dsil, mountain; ɸilhyíli, black; çolíji, blue; litsòï, yellow; lakàie, white. These verses refer to four mountains surrounding Qadjinàï, which are designated by colors only to indicate their topographical positions. 3, 7, 11, 15. 'Çaltsoï= aça litsòï, "yellow wing," a large bird of prey; kini, hen hawk; bitselitsòï, "yellow tail," a bird of undetermined species; a'a'i, magpie; tse, a tail; bitse, its tail. 4, 8, 12, 16. Cija, my treasure; cigèl, my desideratum, my ultimatum, the only thing I

will accept. When supposed to be said by a god, as in this song, it means the particular sacrifice which is appropriate to him. In this case probably the feathers spoken of are "cigèl" and the mountains "cija." The refrain "qaò yaè" is a poetic modification of qaa', it looms up, or sticks up, said of some lofty object visible in the distance, whose base cannot be seen.

200. *Free translation.*

Place-whence-they-came-up looms up,
Now the black mountain looms up,
The tail of the "yellow wing" looms up,
My treasure, my sacrifice, loom up.

Land-where-they-moved-out looms up,
Now the blue mountain looms up,
The tail of the hen-hawk looms up,
My treasure, my sacrifice, loom up.

Place-whence-they-came-up looms up,
Now the yellow mountain looms up,
The tail that is yellow looms up,
My treasure, my sacrifice, loom up.

Land-where-they-moved-out looms up,
Now the white mountain looms up,
The tail of the magpie looms up,
My treasure, my sacrifice, loom up.

201. FIRST SONG OF THE MOUNTAIN SHEEP.

1. Yìki ɸasizìni,
2. Kaç Tsilkè-ɸigìni,
3. Kaç kátso-yisçàni,
4. Tsíɸa baälìli,
5. Bíja-yeɸigíngo.
6. Kaç Tcikè ɸigìni,
7. Kátsoye yisçàni,
8. Yìki ɸasizìni,
9. Tsíɸa baälìli,
10. Bíja-yeɸigíngo.

202. *Translation.*—1, 8. Yìki, upon it; ɸasizin, he stands on high. 2, 6. Kaç, now; tsilkè, young man; tcikè, young woman; ɸigìni, holy. 3. Kátso-yisçàn, the great plumed arrow; kátsoye yisçàn, with the great plumed arrow. 4, 9. Tsíɸa, truly, verily; baälìli, an alili, a show, a rite, or implement used in a dance for him. 5, 10. Bíja, his treasure, his special property, his peculiar belonging; ye, with, a prefix forming nouns which denote the means; ɸigíngo, positively holy or supernatural. Bíja-yeɸigíngo might be translated "charm" or "talisman."

203. *Free translation.*

He stands high upon it;
Now the Holy Young Man [Young Woman, in second stanza],
With the great plumed arrow,
Verily his own sacred implement,
His treasure, by virtue of which he is truly holy.

204. A reference to the myth and the description of the ceremonies will probably be sufficient to give the reader an understanding of this song. This set of songs, it is said, was first sung by the black sheep which stood on the rock as a sign to the Navajo fugitive; hence the name. (See paragraphs 35, 47, 48, 54.)

205. SIXTH SONG OF THE MOUNTAIN SHEEP.

Binaçoölàe [four times] oäyèhe oöhè.

1. Kaç Tsilkè-ɸigìni,
2. Ca'bitlòli yèë,
3. Tsíɸa bialìli,
4. Bíja yeɸigíngo,
5. Binaçoölàe oäyèhe oöhè.
6. Kaç Tcikè-ɸigìni,
7. Natsilíçi yèë,
8. Tsíɸa bialìli,
9. Bíja yeɸigíngo,
10. Binaçoölàe oäyèhe oöhè.

206. *Translation.*—1, 6. Kaç, now; tsilkè, young man; tcikè, young woman; ¢igìni, holy one, god or goddess. 2. Ca'bitlòl, sunbeam, sunbeams; ye, with. 3, 8. Tsí¢a, verily; bialìli (paragraph 3), his dance or sacred implement. 4, 9. Bíja, his special property, his treasure; ye¢igíngo, that by means of which he is ¢igín, i. e., holy or supernatural. 5, 10. Binaçòla, it is encircled. 7. Natsiliç, the rainbow.

207. *Free translation.*

Now the Holy Young Man,	Now the Holy Young Woman,
With the sunbeam,	With the rainbow,
Verily his own sacred implement,	Verily her own sacred implement,
His treasure which makes him holy,	Her treasure which makes her holy,
Is encircled.	Is encircled.

208. Which is to say that the great plumed arrows which they bear are adorned with sunbeams and rainbows. They "shine in glory." (See references in paragraph 204.)

209. TWELFTH SONG OF THE MOUNTAIN SHEEP.

1. Nayunáni tcènia,	4. Nayunáni tcènia,
2. Kaç biçèïltsos tcènia,	5. Kaç biçènackòji tcènia,
3. Biqolçègo, tcènia.	6. Biqolçègo, tcènia.

210. *Translation.*—1, 4. Nayunáni, again on the other side, i. e., across two valleys. 2. Biçè, his horns; iltsos, slender; biçèïltsos, slender horns, i. e., the deer, by metonomy. 3, 6. Biqolçègo, it is becoming to him. 5. Biçè, his horns; nackòj, turgid, filled out, stuffed; biçènackòji, turgid horns—metonymically, the mountain sheep, *Oris montana*. The refrain, tcènia, he appears, he comes in sight.

211. *Free translation.*

Far beyond he appears;	Far beyond he appears;
Now "Slender Horn" appears.	Now "Turgid Horn" appears.
His antlers are becoming. He appears.	His horns are becoming. He appears.

212. This song, it is said, refers to the time when the prophet saw the vision of the black sheep on the rock. (Paragraph 35.) The reason for introducing the deer into the song is not obvious.

213. FIRST SONG OF THE THUNDER.

1. Çòna! Çòna! A'āīyèhe oöhè [repeat],	7. Çòna! Çòna! A'āīyèhe oöhè [repeat],
2. Yùçakoö ani';	8. Yùyakoö ani';
3. I'¢ni'djië ani';	9. Anilçàni ani';
4. Kos ¢ilhyíl biyì'dje,	10. Nánise biçqàko,
5. Nàbizaç qolègo,	11. Nàbizaç qolègo,
6. Çòna! Çòna! A'āīyèhe oöhè.	12. Çòna! Çòna! A'āīyèhe oöhè.

214. *Translation.*—1, 6, 7, 12. Çòna, an imitation of the thunder, not a word. 2, 8. Yùçako, above; yùyako, below; ani', any sound, the sound of the voice. 3. I'¢ni'dji, pertaining to the thunder. 4. Kos, cloud; ¢ilhyíl, black, dark; biyì'dje, within, or toward within it. 5, 11. Nàbizaç qolègo, again and again sounds his moving voice. 9. Anilçàni, a general name for large meadow grasshoppers.—10. Nánise, plants in general; biçqàko, in among them.

215. *Free translation.*

Thonah! Thonah!
There is a voice above,
The voice of the thunder.
Within the dark cloud,
Again and again it sounds,
Thonah! Thonah!

Thonah! Thonah!
There is a voice below,
The voice of the grasshopper.
Among the plants,
Again and again it sounds,
Thonah! Thonah!

216. TWELFTH SONG OF THE THUNDER.

Aïena.
Beqojònigo ani'i [four times] oöhè.

1. Yùçakoö ani'i;
2. I'¢ni'djië ani'i;
3. Kos ¢ilhyíl biyì'dje,
4. Nàbizaç qolègo,
5. Beqojònigo ani'i, oöhè.
6. Yùyakoö ani'i;
7. Anilçàni ani'i;
8. Nánise biçqàko,
9. Nàbizaç qolègo,
10. Beqojònigo ani'i, oöhè.

217. *Translation.*—Aïena, a meaningless beginning to many songs, which may be omitted. 1. Yùçako, above. 2. I'¢ni'dji, pertaining to the thunder. 3. Kos, cloud; ¢ilhyíl, dark; biyì'dje, within it. 4, 9. Nàbizaç, his voice again, his voice repeated; qolègo, sounds along, sounds moving. 5, 10. (Be, a prefix forming nouns of the cause or instrument; qojòni, local or terrestrial beauty; go, a suffix to qualifying words); beqojònigo, productive of terrestrial beauty; ani', a voice, a sound. 6. Yùyako, below. 7. Anilçàni, grasshopper. 8. Nánise, plants; biçqàko, in among them.

218. *Free translation.*

The voice that beautifies the land!
The voice above,
The voice of the thunder
Within the dark cloud
Again and again it sounds,
The voice that beautifies the land.

The voice that beautifies the land!
The voice below;
The voice of the grasshopper
Among the plants
Again and again it sounds,
The voice that beautifies the land.

219. FIRST SONG OF THE HOLY YOUNG MEN, OR YOUNG MEN GODS.

1. Oöc 'çqa nagāïë,
2. Kaç Tsilkè-¢igìni,
3. Dsil ¢ilhyíl biyàgi,
4. Biyàji naïlè.
5. Aie 'çqa nagāïë,
6. Kaç Tcikè-¢igìni,
7. Dsil çolíj biyàgi,
8. Biyàji naïlè.

220. *Translation.*—1, 5. 'Çqa=biçqa, amid or among them; nagai, that, there. 2. Kaç, now; Tsilkè-¢igìni, Holy Young Man; Tcikè-¢igìni, Holy Young Woman. 3, 7. Dsil, mountain; ¢ilhyíl, black; çolíj, blue; biyàgi, at the foot of, at the base of. 4, 8. Biyàji, his child; naïlè, he lays down, he leaves.

221. *Free translation.*

There amid [the mountains],
Now the Holy Young Man,
At the foot of the black mountain,
Lays down his child.

There amid [the mountains],
Now the Holy Young Woman,
At the foot of the blue mountain,
Lays down her child.

222. The characters of Tsilkè-¢igìni and Tcikè-¢igìni are in the myth. The black mountain pertains to the male, the blue to the female. Although not told with the rest of the myth, it was subsequently related to the writer that Tsilkè-¢igìni said to the prophet, "Whoever learns

our songs will thenceforth be our child." The above song, it is said, has some reference to this promise; but a fuller explanation, no doubt, remains to be discovered.

223. SIXTH SONG OF THE HOLY YOUNG MEN.

Aïena.
Altsàcië ¢igìni oöhè.
1. Altsàcië ¢igìni, altsàcië ¢igìni, altsàcië ¢igìni oöhè.
2. Kaç Tsilkè-¢igìni, bakàgië ¢igìni,
3. Dsil ¢ilhyíli eë, bakàgië ¢igìni,
4. Tsintsoï ¢ilhyíli e bakàgië ¢igìni,
5. Tsí¢a bialìli, bíja ye¢igíngo, bakàgië ¢igìni, oöhè.

Altsàcië ¢igìni oöhè.
6. Altsàcië ¢igìni, altsàcië ¢igìni, altsàcië ¢igìni oöhè.
7. Kaç Tcikè-¢igìni, bakàgië ¢igìni,
8. Dsil çolíji eë, bakàgië ¢igìni,
9. Tsintsoï çolíji, bakàgië ¢igìni,
10. Tsí¢a bialìli, bíja ye¢igíngo, bakàgië ¢igìni, oöhè.

224. *Translation.*—1, 6. Altsàcië, on each side; ¢igìni, a holy one, a god. 2, 7. Kaç, now; tsilkè, young man; tcikè, young woman; bakàgi, on the summit, on top of it. 3, 8. Dsil, mountain; ¢ilhyíl, dark, black; çolíj, blue. 4, 9. Tsintsoï, great stick, a notched stick used as a musical instrument in the dance. 5, 10. Tsí¢a bialìli, truly his dance implement; bíja ye¢igíngo, his holy treasure, his talisman, his charm, his magic wand.

225. *Free translation.*

There's a god on each side.
Now the Holy Young Man
Is the god on top of the black mountain,
With his black notched stick,
The implement of his dance, his magic wand.

There's a god on each side.
Now the Holy Young Woman
Is the god on top of the blue mountain,
With her blue notched stick,
The implement of her dance, her magic wand.

226. This song is said to refer to that part of the myth where it is related that the prophet, flying from the Ute, climbed a hill which was transformed into a mountain. (Paragraph 38.) Each mountain was supposed to have a holy one on it, who could, by means of his notched stick, produce the metamorphosis. The mountains were not necessarily colored black and blue, but are thus described to indicate that they lay north and south of the prophet's path. (Paragraph 171.)

227. TWELFTH SONG OF THE HOLY YOUNG MEN.

Eāïèa qàla éla yainá́he, oöhè.
Eāïèa qàla éla yainooò yaaà yooò [three times],
Eāïèa qàla éla yainà, qàla éla qainàhe oöhè.

1. Dsil ilhyíli inlòooò yaaà yooò,
2. Tsintsoï ¢ilhyíli inlòooò yaaà yeeè.
3. Ci cigèlgo yainà,
Qàla éla qainàhe oöhè.

4. Dsil çolíji inlòooò yaaà yooò,
5. Tsintsoï çolíji inlòooò yaaà yeeè,
6. Ci cigèlgo yainà,
Qàla éla qainàhe oöhè.

228. *Translation.*—1, 4. Dsil, mountain; ¢ilhyíl, black; çolíj, blue. 2, 5. Tsintsò, a notched stick used in ceremonies to make music; inlo (inla'), they lie there (two long hard things lie). 3, 6. Cigèl, my ultimatum, my desideratum (said of the peculiar sacrifice which belongs to each god), something I (the god) will have and accept nothing in place of it, my special sacrifice.

229. *Free translation.*

There lie the black mountains;
There lie the black sticks;
There lie my sacrifices.

There lie the blue mountains;
There lie the blue sticks;
There lie my sacrifices.

230. This is supposed to be a part of the instructions which the Holy Young Men and Holy Young Women gave to the prophet. The tsintso is made of cherry, which grows only on high mountains in the Navajo country. The sticks are painted black and blue. (See paragraph 171.) The song alludes to all these facts.

231. EIGHTH SONG OF THE YOUNG WOMEN WHO BECOME BEARS.

Çoɸigìniɸa oyàhe oöhè,
Çoɸigìniɸa oyà oyà ooyàya
Hāīyàya hāīyàya hāīyàhe, oöhè.
1. Kaç Tsilkè-ɸigìnië çoɸigìnɸa hāīyàhe, oöhè,
2. Bitsintsòië ië çoɸigìnɸa hāīyàhe oöhè,
3. Tsíɸa bialìlië bíja-yeɸigìnië, oyà oyà, oyàya,
Hāīyàya hāīyàya hāīyàhe, oöhè.

Çoɸigìniɸa oyàhe, oöhè,
Çoɸigìniɸa oyà oyà ooyàya,
Hāīyàya hāīyàya hāīyàhe, oöhè.
4. Kaç Tcikè-ɸigìnië çoɸigìnɸa hāīyàhe, oöhè,
5. Bitsintsòië ië çoɸigìnɸa hāīyàhe oöhè,
6. Tsíɸa bialìlië bíja-yeɸigìnië, oyà oyà, oyàya,
Hāīyàya hāīyàya hāīyàhe, oöhè.

232. *Translation.*—Çoɸigìniɸa, çoɸigìnɸa, he is not a god; it is not holy; it is not divine. 1, 4. Kaç, now; tsilkè, young man; tcikè, young woman; ɸigìni, holy, supernatural. 2, 4. Bitsintsòi, his great notched stick. 3, 6. Tsíɸa, verily; bialìli, his implement of the dance or rite; bíja-yeɸigìni, his treasure which makes holy; his magic wand.

233. *Free translation.*

The Holy Young Man is not divine;
His great notched stick is not holy;
His magic wand is not holy.

The Holy Young Woman is not divine;
Her great notched stick is not holy;
Her magic wand is not holy.

234. This is supposed to refer to an altercation between these two gods, in which they tried to belittle each other.

235. I have another song of this series, in which the idea is conveyed that their powers depend on their magic wands or notched sticks.

236. ONE OF THE AWL SONGS.

Òwe òwe òwe yàni yàï owà^{n} na a [repeat three times],
Òwe òwe ìni áhe oöhè,

1. 'Ke-cac-natlèhi natcagàhi,
2. Kaç dsil ɸilhyíli bakàgi natcagàhi,
3. Kaç ni' inzàç inçì çoholnìɸa òna,
4. Kaç ni' inzàç inçì çoniòɸa òna.

5. Tcikè-ɸigìni natcagàhi,
6. Dsil çolíji bakàgi natcagàhi,
7. Kaç ni' inzàç inçì, çoholnìɸa òna,
8. Kaç ni' inzàç inçì, çoniòɸa òna.

237. *Translation.*—1. Ke, an abbreviation of tcikè; Tcikè-cac-natlèhi, maiden who becomes a bear; natcagà', she travels far, she walks or wanders far around. 2. Kaç, now; dsil ɸilhyíl, black mountain; bakàgi, on top of. 3, 4, 7, 8. Ni', earth, land; inzàç, distant; inçì, it lies, it stretches; çoholnìɸa, seems not to be; çoniòɸa, not obscure or dim like a faint distance. 6. Dsil çolíji bakàgi, on top of the blue mountains.

238. *Free translation.*

The Maid Who Becomes a Bear walks far around
On the black mountains, she walks far around.
Far spreads the land. It seems not far [to her].
Far spreads the land. It seems not dim [to her].

The Holy Young Woman walks far around
On the blue mountains, she walks far around.
Far spreads the land. It seems not far [to her].
Far spreads the land. It seems not dim [to her].

239. FIRST SONG OF THE EXPLODING STICK.

Aïena.
Aïeyà āīa aïeyà iè eè ieèe [three times] ië la^{n}.

1. 'Ke-cac-nátlèhi dsilyi' ¢i¢ílko^{n} ië na^{n},
2. Dsilyi' ¢olkòlko^{n}; dsil beko^{n}nìçe ië na^{n},
Ië na^{n} yahà hāīà ië na^{n} aï.
3. Çabasçìni ço'yi' ¢i¢ílko^{n} ië na^{n},
4. Ço'yi ¢olkòlko^{n}; ço'beko^{n}nìçe ië na^{n},
Ië na^{n} yahà hāīà ië na^{n} aï.

240. *Translation.*—1, 3. 'Ke-cac-natlèhi=Tcikè-cac-nátlehi, Young Woman Who Becomes a Bear; Çabasçin, the Otter; ¢i¢ílko^{n}, he or she set on fire in many places. 2, 4. Dsil, mountains; dsilyi', in the mountains; ço', water, waters; ço'yi', in the waters; ¢olkòlko^{n}, he set on fire as he went along; beko^{n}nìçe, its fires in a line, its string of fires.

241. *Free translation.*

Young Woman Who Becomes a Bear set fire in the mountains
In many places; as she journeyed on
There was a line of burning mountains.

The Otter set fire in the waters
In many places; as he journeyed on
There was a line of burning waters.

242. It is related that in the ancient days, during a year of great drought, these holy ones, on their way to a council of the gods, set fire to the mountains and the waters. The smoke arose in great clouds, from which rain descended on the parched land. The song alludes to this legend.

243. LAST SONG OF THE EXPLODING STICK.

Hiè ieeè naāīà āīà i a ai a^{n} a^{n} [twice] ie.

1. Tcikè-cac-nátlehië ¢igìni qayikàlgo; bàniya āīè.
2. Dsil aga ¢azàgië ¢igìni qayikàlgo; bàniya āīè.
3. Tsí¢a ci cigèliye ¢igìni qayikàlgo; bàniya āīè.
4. Yàne ¢oölànegoö ¢isitsaàye.
Hiè ieeè naāīà, etc.
5. Kaç Tcikè-¢igìni ¢igìni qayikàlgo; bàniya āīè.
6. Kos aga ¢azàgië ¢igìni qayikàlgo; bàniya āīè.
7. Tsí¢a ci cigèliye ¢igìni qayikàlgo; bàniya āīè.
8. Yàne ¢oölànegoö ¢isitsaàye.
Hiè ieeè naāīà, etc.

244. *Translation.*—1, 5. Tcikè-cac-nátlehi, Young Woman Who Becomes a Bear; Tcikè-¢igìni, Holy Young Woman, or young woman goddess; ¢igìni qayikàl, she journeyed seeking the gods; bàniya, she found them, she met them. 2, 6. Dsil, mountains; kos, clouds; aga, peak, summit; ¢azà', many pointing upwards; (dsil aga ¢azàgi, on many mountain peaks). 3, 7. Tsí¢a, truly or true; cigèl, my desideratum, my special sacrifice. 4, 8. ¢oölàne=¢oölà¢a, some one does not believe it; ¢isitsà, I have heard; yàne and other vocables are meaningless.

245. *Free translation.*

Maid Who Becomes a Bear sought the gods and found them;
On the high mountain peaks she sought the gods and found them;
Truly with my sacrifice she sought the gods and found them.
Somebody doubts it, so I have heard.

Holy Young Woman sought the gods and found them;
On the summits of the clouds she sought the gods and found them;
Truly with my sacrifice she sought the gods and found them.
Somebody doubts it, so I have heard.

246. These songs are accompanied, in beating the drum, with a peculiar sharp strike like a sudden outburst or explosion. Hence, they say, the name, Tsin¢ilçòï Bigin.

247. FIRST DAYLIGHT SONG.

Çahiz¢ìle, çahiz¢ìle, ya ahāīà la^{n} [four times].

1. Kaç Yikāī-acikè çahiz¢ìle, ya ahāīà la^{n},
2. Qaïyolkàl¢e çahiz¢ìle, ya ahāīà la^{n},
3. Bitsídje yolkàlgo çahiz¢ìle, ya ahāīà la^{n},
4. Bikèc¢e yolkàlgo çahiz¢ìle, ya ahāīà la^{n}.
5. Bitsídje qojògo çahiz¢ìle, ya ahāīà la^{n},
6. Bikèc¢e qojògo çahiz¢ìle, ya ahāīà la^{n},
7. Bizàç¢e qojògo çahiz¢ìle, ya ahāīà la^{n}.
   Çahiz¢ìle, çahiz¢ìle, etc.
8. Kaç yikāī-açèç, çahiz¢ìle, ya ahāīà la^{n},
9. Naqotsòï¢e çahiz¢ìle, ya ahāīà la^{n}.
   [Verses 3 to 7 are here repeated.]
   Çahiz¢ìle, çahiz¢ìle, etc.

248. *Translation.*—Çahiz¢ìle=çahiz¢el, it hangs as a curtain or festoon; it hangs supported at both ends, i. e., the white curtain of dawn so hangs. 1. Yikāī-acikè, the Daylight Boy, the Navajo dawn god. 2. Qayolkàl¢e, from the place of dawn. 3. Bitsídje, before him; yolkàlgo, as it dawns, as the night passes away. 4. Bikèc¢e, from behind him. Qojògo, in a beautiful (earthly) manner. 7. Bizàç¢e, from his voice. 8. Yikāī-açèç, the Daylight Girl—the dawn goddess. 9. Naqotsòï¢e, from the land of yellow light (horizontal terrestrial yellow).

249. *Free translation.*

The curtain of daybreak is hanging,
The Daylight Boy (it is hanging),
From the land of day it is hanging;
Before him, as it dawns, it is hanging;
Behind him, as it dawns, it is hanging.
Before him, in beauty, it is hanging;
Behind him, in beauty, it is hanging;
From his voice, in beauty, it is hanging.

The Daylight Girl (it is hanging),
From the land of yellow light, it is hanging, &c. (substituting her for him and his).

250. LAST DAYLIGHT SONG.

Loleyèe, Loleyèe. Loleyèe, Loleyèe.
Loleyèe, Loleyèe. Yahāïèe qanaāī.

1. Qayolkàgo, Loleyèe.
2. Kaç Yikāī-acikèe. Loleyèe.
   Loleyèe, Loleyèe. Yahāïèe, qanaāī.
3. Kaç a¢a yiskàgo. Loleyèe.
4. Kaç Yikāī-açèçe. Loleyèe.
   Loleyèe, Loleyèe. Yahāïee, qanaāī.

251. *Translation.*—1. Qayolkàgo, in the place of dawn. 2, 4. Yikāī-acikè and Yikāī-açèç, Daylight Boy and Daylight Girl (see paragraph 248). 3. A¢a yiskàgo, it is day all around. Refrain, loleyè, lullaby, a meaningless expression to indicate sleepiness.

252. *Free translation.*

Lullaby, lullaby.
It is daybreak. Lullaby.
Now comes the Daylight Boy. Lullaby.
Now it is day. Lullaby.
Now comes the Daylight Girl. Lullaby.

253. As the daylight songs are sung just at dawn, in the corral, before the dance ceases, their significance is apparent.

OTHER SONGS AND EXTRACTS.

254. SONG OF THE PROPHET TO THE SAN JUAN RIVER.

Aïena.
1. Nagāī çonilínië, nagāī çonilínië,
2. Biçhyísgo cinì' ȼeyà'
Haïniyèa, haïniyèa, āièe niò haïneyàhe, oöhè.
3. Nagāī çointyèlië, nagāī çonilínië,
4. Biçhyísgo cinì' ȼeyà'
Haïniyèa, etc.
5. Nagāī sa^{n} biçòië, nagāī çonilínië,
6. Biçhyísgo cinì' ȼeyà'
Haïniyèa, etc.

255. *Translation.*—1. Nagāī, that; çonilíni, flowing water, a river. 2, 4, 6. Biçhyísgo, across it; cinì', my mind; ȼeyà', it goes, or, it comes, it wanders to or from. 3. Çointyèli, broad water. 5. Sa^{n} biço, water of old age.

256. For origin and free translation of this song, see paragraph 22.

257. SONG OF THE BUILDING OF THE DARK CIRCLE.

Oeà oeà, eà eà, he he;
Oeà oeà, eà eeà, he he, ee na^{n} a.

1. Dsilyi' Neyáni, cayolèli cayolèli;
2. Tcoyaj ȼilhyíli, cayolèli cayolèli;
3. Tsíca alìli, cayolèli cayolèli;
4. Bíja ȼigíngo, cayolèli cayolèli.
5. Tcikè-ȼigìni, cayolèli cayolèli;
6. Tcoyaj çolíji, cayolèli cayolèli;
7. Tsíȼa alìli, cayolèli cayolèli;
8. Bíja cigíngo, cayolèli cayolèli.

258. *Translation.*—1. Dsilyi' Neyáni, Reared Within the Mountains, the prophet who instituted these ceremonies; cayolèli, he carries [something long and flexible, as a branch or sapling] for me. 2, 6. Tcoyaj, a spruce sapling, diminutive of tco, spruce; ȼilhyíl, black; çolíj, blue. 3, 7. Tsíȼa alìli (usually tsíȼa bialìli), truly a dance implement. 4, 8. Bíja ȼigíngo (usually bíja-yeȼigíngo), a holy treasure, a magic wand.

259. *Free translation.*

Reared Within the Mountains carries for me;
A black spruce sapling, he carries for me;
An implement of the rites, he carries for me;
A holy treasure, he carries for me.
The Holy Young Woman carries for me;
A blue spruce sapling, she carries for me;
An implement of the rites, she carries for me;
A holy treasure, she carries for me.

260. The evergreen poles used in the dance and in making the "dark circles," to both of which this song probably refers, were, in all cases where I have observed them, made of piñon and not of spruce; but all dances I have witnessed were at altitudes of about six thousand feet, where piñon was abundant and spruce rare. In those portions of the Navajo country with which I am familiar the spruce (*Pseudotsuga douglassii*) grows plentifully at the height of eight thousand feet, sparsely below that. There is good reason for believing that the spruce is the true sacred tree of these rites and that the piñon is only a convenient substitute. The song is called Ilnásjin Beniçà, "that with which the dark circle is built." It is sung by the shaman at the eastern gate, while the young men are building the corral. (Paragraph 124.) I have other

slightly different versions of it, probably suitable for different occasions. The form given above is recited, under ordinary circumstances, when the patient is a woman.

261. PRAYER TO DSILYI' NEYÁNI.

1. Dsilyi' Neyáni!
2. Dsil banaçà!
3. Tsilkè!
4. Naçàni!
5. Nigèl icla'.
6. Na¢è hila'.
7. Cikè caä¢ilil.
8. Citcàç caä¢ilil.
9. Citsès caä¢ilil.
10. Cinì' caä¢ilil.
11. Cinè caä¢ilil.
12. Qojògo qa¢àlçe aci¢ilil.
13. Citsídje qojolel.
14. Cikè¢e qojolel.
15. Cizàç qaqojolel.
16. Qojòni qaslè,
17. Qojòni qaslè,
18. Qojòni qaslè,
19. Qojòni qaslè.

262. *Translation.*—1. The name of the prophet. 2. Dsil, mountains, banaçà, chief (or master) for them. 3. Tsilkè, young man. 4. Naçàni, chieftain. 5. Nigèl, your peculiar sacrifice, i. e., the keçàn; icla', I have made. 6. Na¢è, a smoke, i. e., the cigarettes (paragraph 87), for you; hila', is made. 7, 8, 9, 10, 11. Cikè, my feet; citcàç, my lower extremities; citsès, my body; cinì', my mind; cinè, my voice; caä¢ilil, for me restore (as it was before) thou wilt. 12. Qojògo, in a beautiful manner; qa¢àlçe, repaired, mended; aci¢ilil, restore me thou wilt. 13, 14. Citsídje, in the direction before me; cikè¢e, from behind me; qojolel, wilt thou terrestrially beautify. 15. Cizàç, my words; qaqojolel, wilt thou personally beautify. 16, 17, 18, 19. Qojòni, in earthly beauty; qaslè, it is made, it is done.

263. In other prayers, closely resembling this in form, the shaman adds: "Beautify all that is above me. Beautify all that is below me. Beautify all things around me."

264. The division into verses is that of the chanter. He pronounces the name in the first line; the patient repeats it after him. Then he gives out the words in the second line, and so on. For free translation, see paragraph 88.

265. SONG OF THE RISING SUN DANCE.

Oöniyàye, oöniyàye oöniyàhe yáhe yáhe heyiyoè [twice].

1. Qanaïçác¢e
2. Tsilkè-¢igìni
3. Kátso-yisçàni
4. Yìyolnakòe
5. Qano qakòsko.
6. Tcihanoāīe
7. Akos nisínle.

Yáhe, yáhe eïa āī.

Oöniyàye, etc.

8. Inaïçác¢e
9. Tcikè-¢igìni
10. Awètsal-yisçàni
11. Yìyolnakòe
12. Qana qokòsko.
13. Klehanoāīe
14. Akos nisínle.

Yáhe, yáhe eïa āī.

266. *Translation.*—1. Qanaïçác¢e, from where it (the sun) rises. 2. Tsilkè-¢igìni, Holy Young Man. 3. Kátso-yisçàni, the great plumed arrow. 4, 11. Yiyolna', he swallowed slowly or continuously. 5, 12. Qano qakòsko, it comes out by degrees. 6. Tcihanoāī, the sun. 7, 14. Akos nisín, he is satisfied. 8. Inaïçác¢e, from where it sets. 9. Tcikè-¢igìni, Holy Young Woman. 10. Awètsal-yisçàni, prepared or plumed cliff rose, i. e., cliff rose arrow. 13. Klehanoāī, the moon.

267. *Free translation.*

Where the sun rises,
The Holy Young Man
The great plumed arrow
Has swallowed
And withdrawn it.
The sun
Is satisfied.

Where the sun sets,
The Holy Young Woman
The cliff rose arrow
Has swallowed
And withdrawn it.
The moon
Is satisfied.

268. This song is sung during the dance or alil described in paragraph 142. The conception of the poet seems to be that, the dance of the great plumed arrow having been properly performed, the sun should be satisfied and willing to do the bidding of the dancers, i. e., rise when desired, on the pole.

269. INSTRUCTIONS GIVEN TO THE AKÁNINILI.

1. Çi' betcána nilì^{n}lel.
2. Çi' ¢a'naniltyèl¢o.
3. Çi' beniqo¢ílsinlel. Aïbinìgi nizè ¢ela'.
4. Ç̣a'yiltsísgo, ¢a'bokògo tse'na akàn hyis¢inìle.
5. Tsi^{n} etlol akàn bàçhyis hyis¢inìle; ako bàçhyis hyis¢ilçále.
6. Tse' elkàgi akàn hyis¢inìle.
7. Akoï kátso-yisçàn; aïbinigi djoçile, qo¢igínçe behoèqo¢ilsin.

270. *Translation.*—1. Çi', this; betcána, a thing to rise with (as you progress); nilì^{n}lel, will make for you. 2. Çi', this; ¢a'naniltyèl¢o, will carry you along anywhere. 3. Beniqo¢ílsinlel, by means of it people will know you; aïbinigi, for this reason, or purpose; nizè, your neck; ¢ela', it hangs (once) around. 4. Ç̣a'yiltsísgo, at any little valley (yiltsis, a little valley); ¢a'bokògo, at any gully or arroyo (boko', arroyo); tse'na, across; akàn, meal; hyis¢inìle, he sprinkles always across. 5. Tsi^{n} etlol, the root of a tree; akàn, meal; bàçhyis, across it; hyis¢inìle, he sprinkles across; ako, then; hyis¢ilçále, he steps across. 6. Tse' elkàgi, on flat rocks; akàn, meal; hyis¢inìle, he sprinkles across. 7. Akoï, then, next; kátso-yisçàn, the great prepared arrow—so says the chanter, but he really refers to the in¢ia', or çobolçà, the plumed wand which akáninili carries; aïbinigi, for this purpose; djoçile, he carries it (in the hand); qo¢igínçe, from a holy place (cigin, holy); behoèqo¢ilsin, by means of it people know him.

271. For free translation, see paragraph 102.

272. PRAYER OF THE PROPHET TO HIS MASK.

1. Ç̣a'andje qahasdsìgo ançèlini, cilì^{n}.
2. Hyininàleni, cilì^{n}.
3. Ayà^{n}¢a^{n} çocisyi'go¢olèl¢a, cilì^{n}.
4. Caï¢inilìl.

273. *Translation.*—1. Ç̣a'andje, at any time to you; qahasdsìgo, when I spoke; ançèlini, always you made or did it, i. e., granted my request or assisted me; cilì^{n}, my domestic animal, my pet. 2. Hyininàleni, you were alive (once); cilì^{n}, my pet. 3. Ayà^{n}¢a^{n}, be sure, take care; ço¢a, negative; cisyi'go, that I die; ¢olèl, I desire, I beg (the divided negative makes one word of the sentence). 4. Caï¢inilìl, watch thou for me, or over me.

274. For free translation, see paragraph 27.

275. LAST WORDS OF THE PROPHET.

1. Aqalàni, citsíli.
2. Cakaïlçe ye qo¢igín¢e.
3. ₵a'çonasi¢ilsèl¢a.
4. ₵a'hoelçìgo ¢a'¢eltcílgo, nagāīga cinàï anìla dsinisínle,
5. ₵a'no'çílgo ayàc in¢i¢alàgo, anilçàni in¢i¢alàgo nagāīga cinàï binibikègola' dsinisínle.

276. *Translation.*—1. Aqalàni, greeting (farewell, in this case); citsíli, my younger brother. 2. Cakaïlçe, for me they have come; ye, the yays, the gods; qo¢igín¢e, from a holy or supernatural place. 3. (₵a', any, on any occasion, etc.; ço¢a, negative; na, again; si¢ilsèl, you will see me); ¢a'çonasi¢ilsèl¢a, you will never see me again. 4. ₵a'hoelçìgo, on any occasion as the rain passes, i. e., whenever it rains; ¢a'¢eltcílgo, whenever it thunders; nagāīga, in that; cinàï, my elder brother; anìla, is his voice; dsinisínle, you will think so. 5. ₵a'no'çílgo, whenever they (crops) are ripening, i. e., in harvest time; ayàc, small birds; in¢i¢alàgo, of all kinds; anilçàni, grasshoppers; nagāīga, in that, in those; cinàï, my elder brother; binibikègola', is his ordering, his design (the trail of his mind); dsinisínle, so you will think.

277. For free translation, see paragraph 79.

SMITHSONIAN INSTITUTION——BUREAU OF ETHNOLOGY.

THE SEMINOLE INDIANS OF FLORIDA.

BY

CLAY MacCAULEY.

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LETTER OF TRANSMITTAL.

MINNEAPOLIS, MINN., *June* 24, 1884.

SIR: During the winter of 1880–'81 I visited Florida, commissioned by you to inquire into the condition and to ascertain the number of the Indians commonly known as the Seminole then in that State. I spent part of the months of January, February, and March in an endeavor to accomplish this purpose. I have the honor to embody the result of my work in the following report.

On account of causes beyond my control the paper does not treat of these Indians as fully as I had intended it should. Owing to the ignorance prevailing even in Florida of the locations of the homes of the Seminole and also to the absence of routes of travel in Southern Florida, much of my time at first was consumed in reaching the Indian country. On arriving there, I found myself obliged to go among the Indians ignorant of their language and without an interpreter able to secure me intelligible interviews with them except in respect to the commonest things. I was compelled, therefore, to rely upon observation and upon very simple, perhaps sometimes misunderstood, speech for what I have here placed on record. But while the report is only a sketch of a subject that would well reward thorough study, it may be found to possess value as a record of facts concerning this little-known remnant of a once powerful people.

I have secured, I think, a correct census of the Florida Seminole by name, sex, age, gens, and place of living. I have endeavored to present a faithful portraiture of their appearance and personal characteristics, and have enlarged upon their manners and customs, as individuals and as a society, as much as the material at my command will allow; but under the disadvantageous circumstances to which allusion has already been made, I have been able to gain little more than a superficial and partial knowledge of their social organization, of the elaboration among them of the system of gentes, of their forms and methods of government, of their tribal traditions and modes of thinking, of their religious beliefs and practices, and of many other things manifesting what is distinctive in the life of a people. For these reasons I submit this report more as a guide for future investigation than as a completed result.

At the beginning of my visit I found but one Seminole with whom I could hold even the semblance of an English conversation. To him I am indebted for a large part of the material here collected. To him, in particular, I owe the extensive Seminole vocabulary now in possession of the Bureau of Ethnology. The knowledge of the Seminole language which I gradually acquired enabled me, in my intercourse with other Indians, to verify and increase the information I had received from him.

In conclusion, I hope that, notwithstanding the unfortunate delays which have occurred in the publication of this report, it will still be found to add something to our knowledge of this Indian tribe not without value to those who make man their peculiar study.

Very respectfully,

CLAY MACCAULEY.

Maj. J. W. POWELL,
Director Bureau of Ethnology.

SEMINOLE INDIANS OF FLORIDA.

By Clay MacCauley.

INTRODUCTION.

There were in Florida, October 1, 1880, of the Indians commonly known as Seminole, two hundred and eight. They constituted thirty-seven families, living in twenty-two camps, which were gathered into

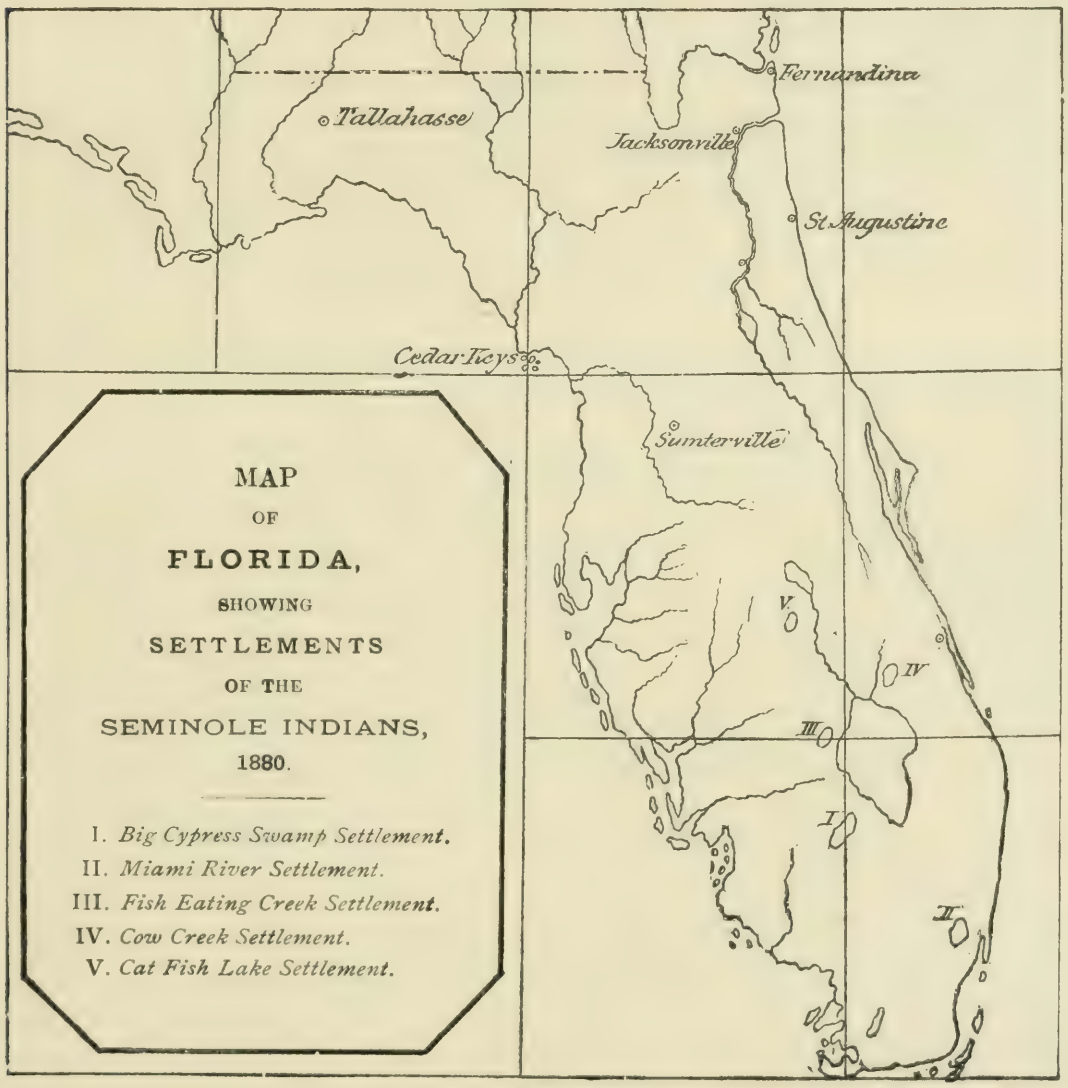


Fig. 60. Map of Florida.

five widely separated groups or settlements. These settlements, from the most prominent natural features connected with them, I have named,

(1) The Big Cypress Swamp settlement; (2) Miami River settlement; (3) Fish Eating Creek settlement; (4) Cow Creek settlement; and (5) Cat Fish Lake settlement. Their locations are, severally: The first, in Monroe County, in what is called the "Devil's Garden," on the northwestern edge of the Big Cypress Swamp, from fifteen to twenty miles southwest of Lake Okeechobee; the second, in Dade County, on the Little Miami River, not far from Biscayne Bay, and about ten miles north of the site of what was, during the great Seminole war, Fort Dallas; the third, in Manatee County, on a creek which empties from the west into Lake Okeechobee, probably five miles from its mouth; the fourth, in Brevard County, on a stream running southward, at a point about fifteen miles northeast of the entrance of the Kissimmee River into Lake Okeechobee; and the fifth, on a small lake in Polk County, lying nearly midway between lakes Pierce and Rosalie, towards the headwaters of the Kissimmee River. The settlements are from forty to seventy miles apart, in an otherwise almost uninhabited region, which is in area about sixty by one hundred and eighty miles. The camps of which each settlement is composed lie at distances from one another varying from a half mile to two or more miles. In tabular form the population of the settlements appears as follows:

Settlements	Camps.	Population. Divided according to age and sex. Below 5 years.		5 to 10 years.		10 to 15 years.		15 to 20 years.		20 to 60 years.		Over 60 years.		Résumé by sex.		Totals.
	No.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	
1. Big Cypress	10	4	5	*a*2	2	10	4	9	2	15	*b*15	2	3	42	31	73
2. Miami River	5	5	4	4	4	5	3	7	5	10	13	1	2	32	31	63
3. Fish Eating Creek.	4	*a*1	1	.....	2	*a*2	....	3	1	*a*5	*ab*10	4	3	15	17	32
4. Cow Creek	1	2	1	.....	....	1	....	....	1	4	3	.....	....	7	5	12
5. Cat Fish Lake	2	.....	2	3	2	4	1	4	1	*a*4	*ab*5	1	1	16	12	28
Totals	22	12	13	9	10	22	8	23	10	38	46	8	9	112	96	208
		25		19		30		33		84		17		208		

a One mixed blood. *b* One black.

Or, for the whole tribe—

Males under 10 years of age	21	
Males between 10 and 20 years of age	45	
Males between 20 and 60 years of age	38	
Males over 60 years of age	8	
		112
Females under 10 years of age	23	
Females between 10 and 20 years of age	18	
Females between 20 and 60 years of age	46	
Females over 60 years of age	9	
		96
		208

In this table it will be noticed that the total population consists of 112 males and 96 females, an excess of males over females of 16. This excess appears in each of the settlements, excepting that of Fish Eating Creek, a fact the more noteworthy, from its relation to the future of the tribe, since polygamous, or certainly duogamous, marriage generally prevails as a tribal custom, at least at the Miami River and the Cat Fish Lake settlements. It will also be observed that between twenty and sixty years of age, or the ordinary range of married life, there are 38 men and 46 women; or, if the women above fifteen years of age are included as wives for the men over twenty years of age, there are 38 men and 56 women. Now, almost all these 56 women are the wives of the 38 men. Notice, however, the manner in which the children of these people are separated in sex. At present there are, under twenty years of age, 66 boys, and, under fifteen years of age, but 31 girls; or, setting aside the 12 boys who are under five years of age, there are, as future possible husbands and wives, 54 boys between five and twenty years of age and 31 girls under fifteen years of age—an excess of 23 boys. For a polygamous society, this excess in the number of the male sex certainly presents a puzzling problem. The statement I had from some cattlemen in mid-Florida I have thus found true, namely, that the Seminole are producing more men than women. What bearing this peculiarity will have upon the future of these Indians can only be guessed at. It is beyond question, however, that the tribe is increasing in numbers, and increasing in the manner above described.

There is no reason why the tribe should not increase, and increase rapidly, if the growth in numbers be not checked by the non-birth of females. The Seminole have not been at war for more than twenty years. Their numbers are not affected by the attacks of wild animals or noxious reptiles. They are not subject to devastating diseases. But once during the last twenty years, as far as I could learn, has anything like an epidemic afflicted them. Besides, at all the settlements except the northernmost, the one at Cat Fish Lake, there is an abundance of food, both animal and vegetable, easily obtained and easily prepared for eating. The climate in which these Indians live is warm and equable throughout the year. They consequently do not need much clothing or shelter. They are not what would be called intemperate, nor are they licentious. The "sprees" in which they indulge when they make their visits to the white man's settlements are too infrequent to warrant us in classing them as intemperate. Their sexual morality is a matter of common notoriety. The white half-breed does not exist among the Florida Seminole, and nowhere could I learn that the Seminole woman is other than virtuous and modest. The birth of a white half-breed would be followed by the death of the Indian mother at the hands of her own people. The only persons of mixed breed among them are children of Indian fathers by negresses who have been adopted into the tribe. Thus health, climate, food, and personal

habits apparently conduce to an increase in numbers. The only explanation I can suggest of the fact that there are at present but 208 Seminole in Florida is that at the close of the last war which the United States Government waged on these Indians there were by no means so many of them left in the State as is popularly supposed. As it is, there are now but 17 persons of the tribe over sixty years of age, and no unusual mortality has occurred, certainly among the adults, during the last twenty years. Of the 84 persons between twenty and sixty years of age, the larger number are less than forty years old; and under twenty years of age there are 107 persons, or more than half the whole population. The population tables of the Florida Indians present, therefore, some facts upon which it may be interesting to speculate.

CHAPTER I.

PERSONAL CHARACTERISTICS.

It will be convenient for me to describe the Florida Seminole as they present themselves, first as individuals, and next as members of a society. I know it is impossible to separate, really, the individual as such from the individual as a member of society; nevertheless, there is the man as we see him, having certain characteristics which we call personal, or his own, whencesoever derived, having a certain physique and certain distinguishing psychical qualities. As such I will first attempt to describe the Seminole. Then we shall be able the better to look at him as he is in his relations with his fellows: in the family, in the community, or in any of the forms of the social life of his tribe.

PHYSICAL CHARACTERISTICS.

PHYSIQUE OF THE MEN.

Physically both men and women are remarkable. The men, as a rule, attract attention by their height, fullness and symmetry of development, and the regularity and agreeableness of their features. In muscular power and constitutional ability to endure they excel. While these qualities distinguish, with a few exceptions, the men of the whole tribe, they are particularly characteristic of the two most widely spread of the families of which the tribe is composed. These are the Tiger and Otter clans, which, proud of their lines of descent, have been preserved through a long and tragic past with exceptional freedom from admixture with degrading blood. To-day their men might be taken as types of physical excellence. The physique of every Tiger warrior especially I met would furnish proof of this statement. The Tigers are dark, copper-colored fellows, over six feet in height, with limbs in good proportion; their hands and feet well shaped and not very large; their stature erect; their bearing a sign of self-confident power; their movements deliberate, persistent, strong. Their heads are large, and their foreheads full and marked. An almost universal characteristic of the Tiger's face is its squareness, a widened and protruding under-jawbone giving this effect to it. Of other features, I noticed that under a large forehead are deep set, bright, black eyes, small, but expressive of inquiry and vigilance; the nose is slightly aquiline and sensitively formed about the nostrils; the lips are mobile, sensuous, and not very full, disclosing, when they

smile, beautiful regular teeth; and the whole face is expressive of the man's sense of having extraordinary ability to endure and to achieve. Two of the warriors permitted me to manipulate the muscles of their bodies. Under my touch these were more like rubber than flesh. Noticeable among all are the large calves of their legs, the size of the tendons of their lower limbs, and the strength of their toes. I attribute this exceptional development to the fact that they are not what we would call "horse Indians" and that they hunt barefoot over their wide domain. The same causes, perhaps, account for the only real deformity I noticed in the Seminole physique, namely, the diminutive toe-nails, and for the heavy, cracked, and seamed skin which covers the soles of their feet. The feet being otherwise well formed, the toes have only narrow shells for nails, these lying sunken across the middles of the tough cushions of flesh, which, protuberant about them, form the toe-tips. But, regarded as a whole, in their physique the Seminole warriors, especially the men of the Tiger and Otter gentes, are admirable. Even among the children this physical superiority is seen. To illustrate, one morning Ko-i-ha-tco's son, Tin-fai-yai-ki, a tall, slender boy, not quite twelve years old, shouldered a heavy "Kentucky" rifle, left our camp, and followed in his father's long footsteps for a day's hunt. After tramping all day, at sunset he reappeared in the camp, carrying slung across his shoulders, in addition to rifle and accouterments, a deer weighing perhaps fifty pounds, a weight he had borne for miles. The same boy, in one day, went with some older friends to his permanent home, 20 miles away, and returned. There are, as I have said, exceptions to this rule of unusual physical size and strength, but these are few; so few that, disregarding them, we may pronounce the Seminole men handsome and exceptionally powerful.

PHYSIQUE OF THE WOMEN.

The women to a large extent share the qualities of the men. Some are proportionally tall and handsome, though, curiously enough, many, perhaps a majority, are rather under than over the average height of women. As a rule, they exhibit great bodily vigor. Large or small, they possess regular and agreeable features, shapely and well developed bodies, and they show themselves capable of long continued and severe physical exertion. Indeed, the only Indian women I have seen with attractive features and forms are among the Seminole. I would even venture to select from among these Indians three persons whom I could, without much fear of contradiction, present as types respectively of a handsome, a pretty, and a comely woman. Among American Indians, I am confident that the Seminole women are of the first rank.

CLOTHING.

But how is this people clothed? While the clothing of the Seminole is simple and scanty, it is ample for his needs and suitable to the life he leads. The materials of which the clothing is made are now chiefly

fabrics manufactured by the white man: calico, cotton cloth, ginghams, and sometimes flannels. They also use some materials prepared by themselves, as deer and other skins. Of ready made articles for wear found in the white trader's store, they buy small woolen shawls, brilliantly colored cotton handkerchiefs, now and then light woolen blankets, and sometimes, lately, though very seldom, shoes.

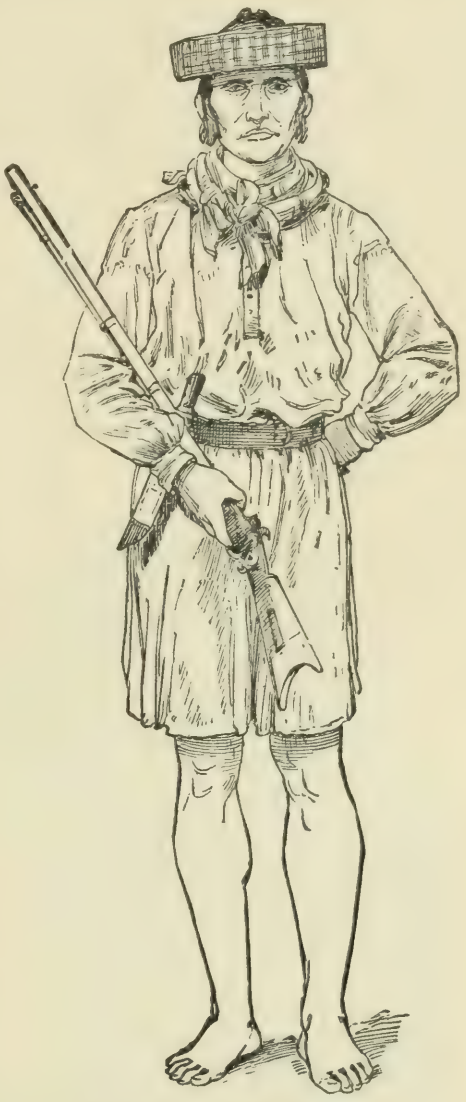


FIG. 61. Seminole costume.

COSTUME OF THE MEN.

The costume of the Seminole warrior at home consists of a shirt, a neckerchief, a turban, a breech cloth, and, very rarely, moccasins. On but one Indian in camp did I see more than this; on many, less. The shirt is made of some figured or striped cotton cloth, generally of quiet colors. It hangs from the neck to the knees, the narrow, rolling collar being closely buttoned about the neck, the narrow wristbands of the roomy sleeves buttoned about the wrists. The garment opens in front for a few inches, downward from the collar, and is pocketless. A belt of leather or buckskin usually engirdles the man's waist, and from it are suspended one or more pouches, in which powder, bullets, pocket knife, a piece of flint, a small quantity of paper, and like things for use in hunting are carried. From the belt hang also one or more hunting knives, each nearly 10 inches in length. I questioned one of the Indians about having no pockets in his shirt, pointing out to him the wealth in this respect of the white man's garments, and tried to show him how, on his shirt, as on mine, these convenient receptacles could be placed, and to what straits he was put to carry his pipe, money, and trinkets. He showed little interest in my proposed improvement on his dress.

Having no pockets, the Seminole is obliged to submit to several inconveniences; for instance, he wears his handkerchief about his neck. I have seen as many as six, even eight, handkerchiefs tied around his throat, their knotted ends pendant over his breast; as a rule, they are bright red and yellow things, of whose possession and number he is quite proud. Having no pockets, the Seminole, only here and there one excepted, carries whatever money he obtains from time to time in a knotted corner of one or more of his handkerchiefs.

The next article of the man's ordinary costume is the turban. This is a remarkable structure and gives to its wearer much of his unique appearance. At present it is made of one or more small shawls. These shawls are generally woolen and copied in figure and color from the plaid of some Scotch clan. They are so folded that they are about 3 inches wide and as long as the diagonal of the fabric. They are then, one or more of them successively, wrapped tightly around the head, the top of the head remaining bare; the last end of the last shawl is tucked skillfully and firmly away, without the use of pins, somewhere in the many folds of the turban. The structure when finished looks like a section of a decorated cylinder crowded down upon the man's head. I examined one of these turbans and found it a rather firm piece of work, made of several shawls wound into seven concentric rings. It was over 20 inches in diameter, the shell of the cylinder being perhaps 7 inches thick and 3 in width. This headdress, at the southern settlements, is regularly worn in the camps and sometimes on the hunt. While hunting, however, it seems to be the general custom for the warriors to go bareheaded. At the northern camps, a kerchief bound about the head frequently takes the place of the turban in everyday life, but on dress or festival occasions, at both the northern and the southern settlements, this curious turban is the customary covering for the head of the Seminole brave. Having no pockets in his dress, he has discovered that the folds of his turban may be put to a pocket's uses. Those who use tobacco (I say "those" because the tobacco habit is by no means universal among the red men of Florida) frequently carry their pipes and other articles in their turbans.

FIG. 62. Key West Billy.

When the Seminole warrior makes his rare visits to the white man's settlements, he frequently adds to his scanty camp dress leggins and moccasins.

In the camps I saw but one Indian wearing leggins (Fig. 62); he, however, is in every way a peculiar character among his people, and is objectionably favorable to the white man and the white man's ways.

He is called by the white men "Key West Billy," having received this name because he once made a voyage in a canoe out of the Everglades and along the line of keys south of the Florida mainland to Key West, where he remained for some time. The act itself was so extraordinary, and it was so unusual for a Seminole to enter a white man's town and remain there for any length of time, that a commemorative name was bestowed upon him. The materials of which the leggins of the Seminole are usually made is buckskin. I saw, however, one pair of leggins made of a bright red flannel, and ornamented along the outer seams with a blue and white cross striped braid. The moccasins, also, are made of buckskin, of either a yellow or dark red color. They are made to lace high about the lower part of the leg, the lacing running from below the instep upward. As showing what changes are going on among the Seminole, I may mention that a few of them possess shoes, and one is even the owner of a pair of frontier store boots. The blanket is not often worn by the Florida Indians. Occasionally, in their cool weather, a small shawl, of the kind made to do service in the turban, is thrown about the shoulders. Oftener a piece of calico or white cotton cloth, gathered about the neck, becomes the extra protection against mild coolness in their winters.

FIG. 63. Seminole costume.

COSTUME OF THE WOMEN.

The costume of the women is hardly more complex than that of the men. It consists, apparently, of but two garments, one of which, for lack of a better English word, I name a short shirt, the other a long skirt. The shirt is cut quite low at the neck and is just long enough to cover the breasts. Its sleeves are buttoned close about the wrists. The garment is otherwise buttonless, being wide enough at the neck for it to be easily put on or taken off over the head. The conservatism of the Seminole Indian is shown in nothing more clearly than in the use, by the women, of this much abbreviated covering for the upper part of their bodies. The women are noticeably modest, yet it does not seem to have occurred to them that by making a slight change in their upper garment they might free themselves from frequent embarrassment. In going about their work they were constantly engaged in what our street boys would call "pulling down their vests." This may have been done because a stranger's eyes were upon them; but I noticed that in rising or in sitting down, or at work, it was a perpetually renewed

effort on their part to lengthen by a pull the scanty covering hanging over their breasts. Gathered about the waist is the other garment, the skirt, extending to the feet and often touching the ground. This is usually made of some dark colored calico or gingham. The cord by which the petticoat is fastened is often drawn so tightly about the waist that it gives to that part of the body a rather uncomfortable appearance. This is especially noticeable because the shirt is so short that a space of two or more inches on the body is left uncovered between it and the skirt. I saw no woman wearing moccasins, and I was told that the women never wear them. For headwear the women have nothing, unless the cotton cloth, or small shawl, used about the shoulders in cool weather, and which at times is thrown or drawn over the head, may be called that. (Fig. 63.)

Girls from seven to ten years old are clothed with only a petticoat, and boys about the same age wear only a shirt. Younger children are, as a rule, entirely naked. If clothed at any time, it is only during exceptionally cool weather or when taken by their parents on a journey to the homes of the palefaces.

PERSONAL ADORNMENT.

The love of personal adornment shows itself among the Seminole as among other human beings.

HAIR DRESSING.

The coarse, brilliant, black hair of which they are possessors is taken care of in an odd manner. The men cut all their hair close to the head, except a strip about an inch wide, running over the front of the scalp from temple to temple, and another strip, of about the same width, perpendicular to the former, crossing the crown of the head to the nape of the neck. At each temple a heavy tuft is allowed to hang to the bottom of the lobe of the ear. The long hair of the strip crossing to the neck is generally gathered and braided into two ornamental queues. I did not learn that these Indians are in the habit of plucking the hair from their faces. I noticed, however, that the moustache is commonly worn among them and that a few of them are endowed with a rather bold looking combination of moustache and imperial. As an exception to the uniform style of cutting the hair of the men, I recall the comical appearance of a small negro half breed at the Big Cypress Swamp.

FIG. 64. Manner of wearing the hair.

His brilliant wool was twisted into many little sharp cones, which stuck out over his head like so many spikes on an ancient battle club. For some reason there seems to be a much greater neglect of the care of the hair, and, indeed, of the whole person, in the northern than in the southern camps.

The women dress their hair more simply than the men. From a line crossing the head from ear to ear the hair is gathered up and bound, just above the neck, into a knot somewhat like that often made by the civilized woman, the Indian woman's hair being wrought more into the shape of a cone, sometimes quite elongated and sharp at the apex. A piece of bright ribbon is commonly used at the end as a finish to the structure. The front hair hangs down over the forehead and along the cheeks in front of the ears, being what we call "banged." The only exception to this style of hair dressing I saw was the manner in which Ci-ha-ne, a negress, had disposed of her long crisp tresses. Hers was a veritable Medusa head. A score or more of dangling, snaky plaits, hanging down over her black face and shoulders gave her a most repulsive appearance. Among the little Indian girls the hair is simply braided into a queue and tied with a ribbon, as we often see the hair upon the heads of our school children.

ORNAMENTATION OF CLOTHING.

The clothing of both men and women is ordinarily more or less ornamented. Braids and strips of cloth of various colors are used and wrought upon the garments into odd and sometimes quite tasteful shapes. The upper parts of the shirts of the women are usually embroidered with yellow, red, and brown braids. Sometimes as many as five of these braids lie side by side, parallel with the upper edge of the garment or dropping into a sharp angle between the shoulders. Occasionally a very narrow cape, attached, I think, to the shirt, and much ornamented with braids or stripes, hangs just over the shoulders and back. The same kinds of material used for ornamenting the shirt are also used in decorating the skirt above the lower edge of the petticoat. The women embroider along this edge, with their braids and the narrow colored stripes, a border of diamond and square shaped figures, which is often an elaborate decoration to the dress. In like manner many of the shirts of the men are made pleasing to the eye. I saw no ornamentation in curves: it was always in straight lines and angles.

USE OF BEADS.

My attention was called to the remarkable use of beads among these Indian women, young and old. It seems to be the ambition of the Seminole squaws to gather about their necks as many strings of beads as can be hung there and as they can carry. They are particular as to the quality of the beads they wear. They are satisfied with nothing meaner than a cut glass bead, about a quarter of an inch or more in

length, generally of some shade of blue, and costing (so I was told by a trader at Miami) $1.75 a pound. Sometimes, but not often, one sees beads of an inferior quality worn.

These beads must be burdensome to their wearers. In the Big Cypress Swamp settlement one day, to gratify my curiosity as to how many strings of beads these women can wear, I tried to count those worn by "Young Tiger Tail's" wife, number one, Mo-ki, who had come through the Everglades to visit her relatives. She was the proud wearer of certainly not fewer than two hundred strings of good sized beads. She had six quarts (probably a peck of the beads) gathered about her neck, hanging down her back, down upon her breasts, filling the space under her chin, and covering her neck up to her ears. It was an effort for her to move her head. She, however, was only a little, if any, better off in her possessions than most of the others. Others were about equally burdened. Even girl babies are favored by their proud mammas with a varying quantity of the coveted neck wear. The cumbersome beads are said to be worn by night as well as by day.

SILVER DISKS.

Conspicuous among the other ornaments worn by women are silver disks, suspended in a curve across the shirt fronts, under and below the beads. As many as ten or more are worn by one woman. These disks are made by men, who may be called "jewelers to the tribe," from silver quarters and half dollars. The pieces of money are pounded quite thin, made concave, pierced with holes, and ornamented by a groove lying just inside the circumference. Large disks made from half dollars may be called "breast shields." They are suspended, one over each breast. Among the disks other ornaments are often suspended. One young woman I noticed gratifying her vanity with not only eight disks made of silver quarters, but also with three polished copper rifle shells, one bright brass thimble, and a buckle hanging among them. Of course the possession of these and like treasures depends upon the ability and desire of one and another to secure them.

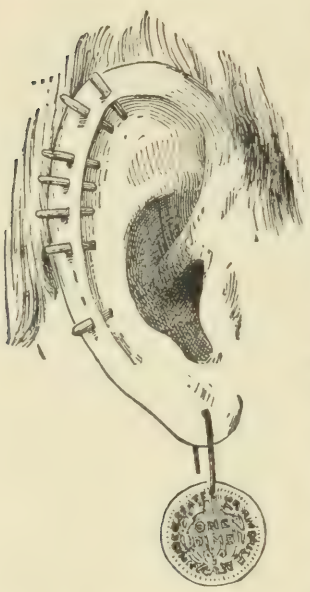


FIG. 65. Manner of piercing the ear.

EAR RINGS.

Ear rings are not generally worn by the Seminole. Those worn are usually made of silver and are of home manufacture. The ears of most of the Indians, however, appear to be pierced, and, as a rule, the ears of the women are pierced many times; for what purpose I did not discover. Along and in the upper edges of the ears of the women from one to ten or more small holes have been made. In most of these holes

I noticed bits of palmetto wood, about a fifth of an inch in length and in diameter the size of a large pin. Seemingly they were not placed there to remain only while the puncture was healing. (Fig. 65.)

Piercing the ears excepted, the Florida Indians do not now mutilate their bodies for beauty's sake. They no longer pierce the lips or the nose; nor do they use paint upon their persons, I am told, except at their great annual festival, the Green Corn Dance, and upon the faces of their dead.

FINGER RINGS.

Nor is the wearing of finger rings more common than that of rings for the ears. The finger rings I saw were all made of silver and showed good workmanship. Most of them were made with large elliptical tablets on them, extending from knuckle to knuckle. These also were home-made.

SILVER VS. GOLD.

I saw no gold ornaments. Gold, even gold money, does not seem to be considered of much value by the Seminole. He is a monometalist, and his precious metal is silver. I was told by a cattle dealer of an Indian who once gave him a twenty dollar gold piece for $17 in silver, although assured that the gold piece was worth more than the silver, and in my own intercourse with the Seminole I found them to manifest, with few exceptions, a decided preference for silver. I was told that the Seminole are peculiar in wishing to possess nothing that is not genuine of its apparent kind. Traders told me that, so far as the Indians know, they will buy of them only what is the best either of food or of material for wear or ornament.

CRESCENTS, WRISTLETS, AND BELTS.

The ornaments worn by the men which are most worthy of attention are crescents, varying in size and value. These are generally about five inches long, an inch in width at the widest part, and of the thickness of ordinary tin. These articles are also made from silver coins and are of home manufacture. They are worn suspended from the neck by cords, in the cusps of the crescents, one below another, at distances apart of perhaps two and a half inches. Silver wristlets are used by the men for their adornment. They are fastened about the wrists by cords or thongs passing through holes in the ends of the metal. Belts, and turbans too, are often ornamented with fanciful devices wrought out of silver. It is not customary for the Indian men to wear these ornaments in everyday camp life. They appear with them on a festival occasion or when they visit some trading post.

ME-LE.

A sketch made by Lieutenant Brown, of Saint Francis Barracks, Saint Augustine, Florida, who accompanied me on my trip to the Cat

Fish Lake settlement, enables me to show, in gala dress, Me-le, a half breed Seminole, the son of an Indian, Ho-laq-to-mik-ko, by a negress adopted into the tribe when a child.

Me-le sat for his picture in my room at a hotel in Orlando. He had just come seventy miles from his home, at Cat Fish Lake, to see the white man and a white man's town. He was clothed "in his best," and, moreover, had just purchased and was wearing a pair of store boots in addition to his home-made finery. He was the owner of the one pair of red flannel leggins of which I have spoken. These were not long enough to cover the brown skin of his sturdy thighs. His ornaments were silver crescents, wristlets, a silver studded belt, and a peculiar battlement-like band of silver on the edge of his turban. Notice his uncropped head of luxuriant, curly hair, the only exception I observed to the singular cut of hair peculiar to the Seminole men. Me-le, however, is in many other more important respects an exceptional character. He is not at all in favor with the Seminole of pure blood. "Me-le ho-lo-wa kis" (Me-le is of no account) was the judgment passed upon him to me by some of the Indians. Why? Because he likes the white man and would live the white man's life if he knew how to break away safely from his tribe. He has been progressive enough to build for himself a frame house, inclosed on all sides and entered by a door. More than that, he is not satisfied with the hunting habits and the simple agriculture of his people, nor with their ways of doing other things. He has started an orange grove, and in a short time will have a hundred trees, so he says, bearing fruit. He has bought and uses a sewing machine, and he was intelligent enough, so the report goes, when the machine had been taken to pieces in his presence, to put it together again without mistake. He once called off for me from a newspaper the names of the letters of our alphabet, and legibly wrote his English name, "John Willis Mik-ko." Mik-ko has a restless, inquisitive mind, and deserves the notice and care of those who are interested in the progress of this people. Seeking him one day at Orlando, I found him busily studying the locomotive engine of the little road which had been pushed out into that part of the frontier of Florida's civilized population. Next morning he was at the station to see the train depart, and told me he would like to go with me to Jacksonville. He is the only Florida Seminole, I believe, who had at that time seen a railway.

PSYCHICAL CHARACTERISTICS.

I shall now glance at what may more properly be called the psychical characteristics of the Florida Indians. I have been led to the conclusion that for Indians they have attained a relatively high degree of psychical development. They are an uncivilized, I hardly like to call them a savage, people. They are antagonistic to white men, as a race, and to the white man's culture, but they have characteristics of their

own, many of which are commendable. They are decided in their enmity to any representative of the white man's government and to every thing which bears upon it the government's mark. To one, however, who is acquainted with recent history this enmity is but natural, and a confessed representative of the government need not be surprised at finding in the Seminole only forbidding and unlovely qualities. But when suspicion is disarmed, one whom they have welcomed to their confidence will find them evincing characteristics which will excite his admiration and esteem. I was fortunate enough to be introduced to the Seminole, not as a representative of our National Government, but under conditions which induced them to welcome me as a friend. In my intercourse with them, I found them to be not only the brave, self reliant, proud people who have from time to time withstood our nation's armies in defense of their rights, but also a people amiable, affectionate, truthful, and communicative. Nor are they devoid of a sense of humor. With only few exceptions, I found them genial. Indeed, the old chief, Tûs-te-nûg-ge, a man whose warwhoop and deadly hand, during the last half century, have often been heard and felt among the Florida swamps and prairies, was the only one disposed to sulk in my presence and to repel friendly advances. He called me to him when I entered the camp where he was, and, with great dignity of manner, asked after my business among his people. After listening, through my interpreter, to my answers to his questions, he turned from me and honored me no further. I call the Seminole communicative, because most with whom I spoke were eager to talk, and, as far as they could with the imperfect means at their disposal, to give me the information I sought. "Doctor Na-ki-ta" (Doctor What-is-it) I was playfully named at the Cat Fish Lake settlement; yet the people there were seemingly as ready to try to answer as I was to ask, "What is it?" I said they are truthful. That is their reputation with many of the white men I met, and I have reason to believe that the reputation is under ordinary circumstances well founded. They answered promptly and without equivocation "No" or "Yes" or "I don't know." And they are affectionate to one another, and, so far as I saw, amiable in their domestic and social intercourse. Parental affection is characteristic of their home life, as several illustrative instances I might mention would show. I will mention one. Täl-la-häs-ke is the father of six fine looking boys, ranging in age from four to eighteen years. Seven months before I met him his wife died, and when I was at his camp this strong Indian appeared to have become both mother and father to his children. His solicitous affection seemed continually to follow these boys, watching their movements and caring for their comfort. Especially did he throw a tender care about the little one of his household. I have seen this little fellow clambering, just like many a little paleface, over his father's knees and back, persistently demanding attention but in no way disturbing the father's amiability or serenity,

even while the latter was trying to oblige me by answering puzzling questions upon matters connected with his tribe. One night, as Lieutenant Brown and I sat by the campfire at Täl-la-häs-ke's lodge—the larger boys, two Seminole negresses, three pigs, and several dogs, together with Täl-la-häs-ke, forming a picturesque circle in the ashes around the bright light—I heard muffled moans from the little palmetto shelter on my right, under which the three smaller boys were bundled up in cotton cloth on deer skins for the night's sleep. Upon the moans followed immediately the frightened cry of the baby boy, waking out of bad dreams and crying for the mother who could not answer; "Its-ki, Its-ki" (mother, mother) begged the little fellow, struggling from under his covering. At once the big Indian grasped his child, hugged him to his breast, pressed the little head to his cheek, consoling him all the while with caressing words, whose meaning I felt, though I could not have translated them into English, until the boy, wide awake, laughed with his father and us all and was ready to be again rolled up beside his sleeping brothers. I have said also that the Seminole are frank. Formal or hypocritical courtesy does not characterize them. One of my party wished to accompany Ka-tca-la-ni ("Yellow Tiger") on a hunt. He wished to see how the Indian would find, approach, and capture his game. "Me go hunt with you, Tom, to-day?" asked our man. "No," answered Tom, and in his own language continued, "not to-day; to-morrow." To-morrow came, and, with it, Tom to our camp. "You can go to Horse Creek with me; then I hunt alone and you come back," was the Indian's remark as both set out. I afterwards learned that Ka-tca-la-ni was all kindness on the trail to Horse Creek, three miles away, aiding the amateur hunter in his search for game and giving him the first shot at what was started. At Horse Creek, however, Tom stopped, and, turning to his companion, said, "Now you hi-e-pus (go)!" That was frankness indeed, and quite refreshing to us who had not been honored by it. But equally outspoken, without intending offense, I found them always. You could not mistake their meaning, did you understand their words. Diplomacy seems, as yet, to be an unlearned art among them.

KO-NIP-HA-TCO.

Here is another illustration of their frankness. One Indian, Ko-nip-ha-tco ("Billy"), a brother of "Key West Billy," has become so desirous of identifying himself with the white people that in 1879 he came to Capt. F. A. Hendry, at Myers, and asked permission to live with him. Permission was willingly given, and when I went to Florida this "Billy" had been studying our language and ways for more than a year. At that time he was the only Seminole who had separated himself from his people and had cast in his lot with the whites. He had clothed himself in our dress and taken to the bed and table, instead of the ground and kettle, for sleep and food. "Me all same white man," he boastfully told me one day. But

I will not here relate the interesting story of "Billy's" previous life or of his adventures in reaching his present proud position. It is sufficient to say that, for the time at least, he had become in the eyes of his people a member of a foreign community. As may be easily guessed, Ko-nip-ha-tco's act was not at all looked upon with favor by the Indians; it was, on the contrary, seriously opposed. Several tribal councils made him the subject of discussion, and once, during the year before I met him, five of his relatives came to Myers and compelled him to return with them for a time to his home at the Big Cypress Swamp. But to my illustration of Seminole frankness: In the autumn of 1880, Mat-te-lo, a prominent Seminole, was at Myers and happened to meet Captain Hendry. While they stood together "Billy" passed. Hardly had the young fellow disappeared when Mat-te-lo said to Captain Hendry, "Bum-by, Indian kill Billy." But an answer came. In this case the answer of the white man was equally frank: "Mat-te-lo, when Indian kill Billy, white man kill Indian, remember." And so the talk ended, the Seminole looking hard at the captain to try to discover whether he had meant what he said.

INTELLECTUAL ABILITY.

In range of intellectual power and mental processes the Florida Indians, when compared with the intellectual abilities and operations of the cultivated American, are quite limited. But if the Seminole are to be judged by comparison with other American aborigines, I believe they easily enter the first class. They seem to be mentally active. When the full expression of any of my questions failed, a substantive or two, an adverb, and a little pantomime generally sufficed to convey the meaning to my hearers. In their intercourse with one another, they are, as a rule, voluble, vivacious, showing the possession of relatively active brains and mental fertility. Certainly, most of the Seminole I met cannot justly be called either stupid or intellectually sluggish, and I observed that, when invited to think of matters with which they are not familiar or which are beyond the verge of the domain which their intellectual faculties have mastered, they nevertheless bravely endeavored to satisfy me before they were willing to acknowledge themselves powerless. They would not at once answer a misunderstood or unintelligible question, but would return inquiry upon inquiry, before the decided "I don't know" was uttered. Those with whom I particularly dealt were exceptionally patient under the strains to which I put their minds. Ko-nip-ha-tco, by no means a brilliant member of his tribe, is much to be commended for his patient, persistent, intellectual industry. I kept the young fellow busy for about a fortnight, from half-past eight in the morning until five in the afternoon, with but an hour and a half's intermission at noon. Occupying our time with inquiries not very interesting to him, about the language and life of his people, I could see how much I wearied him. Often I found by his answers that his brain was, to a degree, paralyzed by the long continued tension to which it was

subjected. But he held on bravely through the severe heat of an attic room at Myers. Despite the insects, myriads of which took a great interest in us and our surroundings, despite the persistent invitation of the near woods to him to leave "Doctor Na-ki-ta" and to tramp off in them on a deer hunt (for "Billy" is a lover of the woods and a bold and successful hunter), he held on courageously. The only sign of weakening he made was on one day, about noon, when, after many, to me, vexatious failures to draw from him certain translations into his own language of phrases containing verbs illustrating variations of mood, time, number, &c., he said to me: "Doctor, how long you want me to tell you Indian language?" "Why?" I replied, "are you tired, Billy?" "No," he answered, "a littly. Me think me tell you all. Me don't know English language. Bum-by you come, next winter, me tell you all. Me go school. Me learn. Me go hunt deer to-mollow." I was afraid of losing my hold upon him, for time was precious. "Billy," I said, "you go now. You hunt to-day. I need you just three days more and then you can hunt all the time. To-morrow come, and I will ask you easier questions." After only a moment's hesitation, "Me no go, Doctor; me stay," was his courageous decision.

CHAPTER II.

SEMINOLE SOCIETY.

As I now direct attention to the Florida Seminole in their relations with one another, I shall first treat of that relationship which lies at the foundation of society, marriage or its equivalent, the result of which is a body of people more or less remotely connected with one another and designated by the term "kindred." This is shown either in the narrow limits of what may be named the family or in the larger bounds of what is called the clan or gens. I attempted to get full insight into the system of relationships in which Seminole kinship is embodied, and, while my efforts were not followed by an altogether satisfactory result, I saw enough to enable me to say that the Seminole relationships are essentially those of what we may call their "mother tribe," the Creek. The Florida Seminole are a people containing, to some extent, the posterity of tribes diverse from the Creek in language and in social and political organization; but so strong has the Creek influence been in their development that the Creek language, Creek customs, and Creek regulations have been the guiding forces in their history, forces by which, in fact, the characteristics of the other peoples have yielded, have been practically obliterated.

I have made a careful comparison of the terms of Seminole relationship I obtained with those of the Creek Indians, embodied in Dr. L. H. Morgan's Consanguinity and Affinity of the American Indians, and I find that, as far as I was able to go, they are the same, allowing for the natural differences of pronunciation of the two peoples. The only seeming difference of relationships lies in the names applied to some of the lineal descendants, descriptive instead of classificatory names being used.

I have said, "as far as I was able to go." I found, for example, that beyond the second collateral line among consanguineous kindred my interpreter would answer my question only by some such answer as "I don't know" or "No kin," and that, beyond the first collateral line of kindred by marriage, except for a very few relationships, I could obtain no answer.

THE SEMINOLE FAMILY.

The family consists of the husband, one or more wives, and their children. I do not know what limit tribal law places to the number of wives the Florida Indian may have, but certainly he may possess two. There are several Seminole families in which duogamy exists.

COURTSHIP.

I learned the following facts concerning the formation of a family: A young warrior, at the age of twenty or less, sees an Indian maiden of about sixteen years, and by a natural impulse desires to make her his wife. What follows? He calls his immediate relatives to a council and tells them of his wish. If the damsel is not a member of the lover's own gens and if no other impediment stands in the way of the proposed alliance, they select, from their own number, some who, at an appropriate time, go to the maiden's kindred and tell them that they desire the maid to receive their kinsman as her husband. The girl's relatives then consider the question. If they decide in favor of the union, they interrogate the prospective bride as to her disposition towards the young man. If she also is willing, news of the double consent is conveyed through the relatives, on both sides, to the prospective husband. From that moment there is a gentle excitement in both households. The female relatives of the young man take to the house of the betrothed's mother a blanket or a large piece of cotton cloth and a bed canopy—in other words, the furnishing of a new bed. Thereupon there is returned thence to the young man a wedding costume, consisting of a newly made shirt.

MARRIAGE.

Arrangements for the marriage being thus completed, the marriage takes place by the very informal ceremony of the going of the bridegroom, at sunset of an appointed day, to the home of his mother-in-law, where he is received by his bride. From that time he is her husband. The next day, husband and wife appear together in the camp, and are thenceforth recognized as a wedded pair. After the marriage, through what is the equivalent of the white man's honeymoon, and often for a much longer period, the new couple remain at the home of the mother-in-law. It is the man and not the woman among these Indians who leaves father and mother and cleaves unto the mate. After a time, especially as the family increases, the wedded pair build one or more houses for independent housekeeping, either at the camp of the wife's mother or elsewhere, excepting among the husband's relatives.

DIVORCE.

The home may continue until death breaks it up. Sometimes, however, it occurs that most hopeful matrimonial beginnings, among the Florida Seminole, as elsewhere, end in disappointment and ruin. How divorce is accomplished I could not learn. I pressed the question upon Ko-nip-ha-tco, but his answer was, "Me don't know; Indian no tell me much." All the light I obtained upon the subject comes from Billy's first reply, "He left her." In fact, desertion seems to be the only ceremony accompanying a divorce. The husband, no longer satisfied with his wife, leaves her; she returns to her family, and the matter is ended.

There is no embarrassment growing out of problems respecting the woman's future support, the division of property, or the adjustment of claims for the possession of the children. The independent self-support of every adult, healthy Indian, female as well as male, and the gentile relationship, which is more wide reaching and authoritative than that of marriage, have already disposed of these questions, which are usually so perplexing for the white man. So far as personal maintenance is concerned, a woman is, as a rule, just as well off without a husband as with one. What is hers, in the shape of property, remains her own whether she is married or not. In fact, marriage among these Indians seems to be but the natural mating of the sexes, to cease at the option of either of the interested parties. Although I do not know that the wife may lawfully desert her husband, as well as the husband his wife, from some facts learned I think it probable that she may.

CHILDBIRTH.

According to information received a prospective mother, as the hour of her confinement approaches, selects a place for the birth of her child not far from the main house of the family, and there, with some friends, builds a small lodge, covering the top and sides of the structure generally with the large leaves of the cabbage palmetto. To this secluded place the woman, with some elderly female relatives, goes at the time the child is to be born, and there, in a sitting posture, her hands grasping a strong stick driven into the ground before her, she is delivered of her babe, which is received and cared for by her companions. Rarely is the Indian mother's labor difficult or followed by a prolonged sickness. Usually she returns to her home with her little one within four days after its birth.

INFANCY.

The baby, well into the world, learns very quickly that he is to make his own way through it as best he may. His mother is prompt to nourish him and solicitous in her care for him if he falls ill, but, as far as possible, she goes her own way and leaves the little fellow to go his.

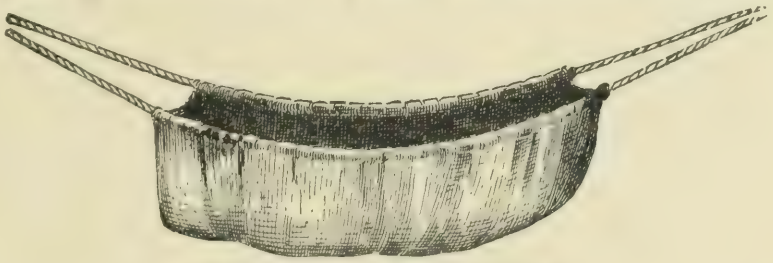
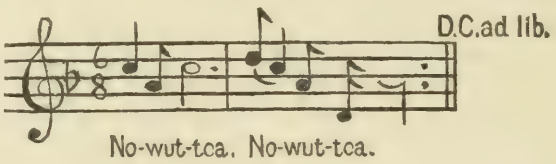


FIG. 66. Baby cradle or hammock.

From the first she gives her child the perfectly free use of his body and, within a limited area, of the camp ground. She does not bundle him into a motionless thing or bind him helplessly on a board; on the contrary, she does not trouble her child even with clothing. The Florida Indian baby, when very young, spends his time, naked, in a hammock, or on a deer skin, or on the warm earth. (Fig. 66.)

The Seminole mother, I was informed, is not in the habit of soothing her baby with song. Nevertheless, sometimes one may hear her or an old grandam crooning a monotonous refrain as she crouches on the ground beside the swinging hammock of a baby. I heard one of these refrains, and, as nearly as I could catch it, it ran thus:



The hammock was swung in time with the song. The singing was slow in movement and nasal in quality. The last note was unmusical and uttered quite staccato.

There are times, to be sure, when the Seminole mother carries her baby. He is not always left to his pleasure on the ground or in a hammock. When there is no little sister or old grandmother to look after the helpless creature and the mother is forced to go to any distance from her house or lodge, she takes him with her. This she does, usually, by setting him astride one of her hips and holding him there. If she wishes to have both her arms free, however, she puts the baby into the center of a piece of cotton cloth, ties opposite corners of the cloth together, and slings her burden over her shoulders and upon her back, where, with his brown legs astride his mother's hips, the infant rides, generally with much satisfaction. I remember seeing, one day, one jolly little fellow, lolling and rollicking on his mother's back, kicking her and tugging away at the strings of beads which hung temptingly between her shoulders, while the mother, hand-free, bore on one shoulder a log, which, a moment afterwards, still keeping her baby on her back as she did so, she chopped into small wood for the camp fire.

CHILDHOOD.

But just as soon as the Seminole baby has gained sufficient strength to toddle he learns that the more he can do for himself and the more he can contribute to the general domestic welfare the better he will get along in life. No small amount of the labor in a Seminole household is done by children, even as young as four years of age. They can stir the soup while it is boiling; they can aid in kneading the dough for bread; they can wash the "Koonti" root, and even pound it; they can watch and replenish the fire; they contribute in this and many other small ways to the necessary work of the home. I am not to be understood, of course, as saying that the little Seminole's life is one of severe labor. He has plenty of time for games and play of all kinds, and of these I shall hereafter speak. Yet, as soon as he is able to play, he finds that with his play he must mix work in considerable measure.

SEMINOLE DWELLINGS—I-FUL-LO-HA-TCO'S HOUSE.

Now that we have seen the Seminole family formed, let us look at its home. The Florida Indians are not nomads. They have fixed habitations: settlements in well defined districts, permanent camps, houses or wigwams which remain from year to year the abiding places of their families, and gardens and fields which for indefinite periods are used by the same owners. There are times during the year when parties gather into temporary camps for a few weeks. Now perhaps they gather upon some rich Koonti ground, that they may dig an extra quantity of this root and make flour from it; now, that they may have a sirup making festival, they go to some fertile sugar cane hammock; or again, that they may have a hunt, they camp where a certain kind of game has been discovered in abundance. And they all, as a rule, go to a central point once a year and share there their great feast, the Green Corn Dance. Besides, as I was told, these Indians are frequent visitors to one another, acting in turn as guests and hosts for a few days at a time. But it is the fact, nevertheless, that for much the greater part of the year the Seminole families are at their homes, occupying houses, surrounded by many comforts and living a life of routine industry.

As one Seminole home is, with but few unimportant differences, like nearly all the others, we can get a good idea of what it is by describing here the first one I visited, that of I-ful-lo-ha-tco, or "Charlie Osceola," in the "Bad Country," on the edge of the Big Cypress Swamp.

When my guide pointed out to me the locality where "Charlie" lives, I could see nothing but a wide saw-grass marsh surrounding a small island. The island seemed covered with a dense growth of palmetto and other trees and tangled shrubbery, with a few banana plants rising among them. No sign of human habitation was visible. This invisibility of a Seminole's house from the vicinity may be taken as a marked characteristic of his home. If possible, he hides his house, placing it on an island and in a jungle. As we neared the hammock we found that approach to it was difficult. On horseback there was no trouble in getting through the water and the annoying saw-grass, but I found it difficult to reach the island with my vehicle, which was loaded with our provisions and myself. On the shore of "Charlie's" island is a piece of rich land of probably two acres in extent. At length I landed, and soon, to my surprise, entered a small, neat clearing, around which were built three houses, excellent of their kind, and one insignificant structure. Beyond these, well fenced with palmetto logs, lay a small garden. No one of the entire household—father, mother, and child—was at home. Where they had gone we did not learn until later. We found them next day at a sirup making at "Old Tommy's" field, six miles away. Having, in the absence of the owner, a free range of the camp, I busied myself in noting what had been left in it and what were its peculiarities. Among the first things I picked up was a "cow's horn." This, my guide informed me, was used in calling from camp to camp.

Mountin a pile of logs, "Billy" tried with it to summon "Charlie," thinking he might be somewhere near. Meanwhile I continued my search. I noticed some terrapin shells lying on a platform in one of the houses, the breast shell pierced with two holes. "Wear them at Green Corn Dance," said "Billy." I caught sight of some dressed buckskins lying on a rafter of a house, and an old fashioned rifle, with powder horn and shot flask. I also saw a hoe; a deep iron pot; a mortar, made from a live oak (?) log, probably fifteen inches in diameter and twenty-four in height, and beside it a pestle, made from mastic wood, perhaps four feet and a half in length.

A bag of corn hung from a rafter, and near it a sack of clothing, which I did not examine. A skirt, gayly ornamented, hung there also. There were several basketware sieves, evidently home made, and various bottles lying around the place. I did not search among the things laid away on the rafters under the roof. A sow, with several pigs, lay contentedly under the platform of one of the houses. And near by, in the saw-grass, was moored a cypress "dug-out," about fifteen feet long, pointed at bow and stern.

Dwellings throughout the Seminole district are practically uniform in construction. With but slight variations, the accompanying sketch of I-ful-lo-ha-tco's main dwelling shows what style of architecture prevails in the Florida Everglades. (Pl. XIX.)

This house is approximately 16 by 9 feet in ground measurement, made almost altogether, if not wholly, of materials taken from the palmetto tree. It is actually but a platform elevated about three feet from the ground and covered with a palmetto thatched roof, the roof being not more than 12 feet above the ground at the ridge pole, or 7 at the eaves. Eight upright palmetto logs, unsplit and undressed, support the roof. Many rafters sustain the palmetto thatching. The platform is composed of split palmetto logs lying transversely, flat sides up, upon beams which extend the length of the building and are lashed to the uprights by palmetto ropes, thongs, or trader's ropes. This platform is peculiar, in that it fills the interior of the building like a floor and serves to furnish the family with a dry sitting or lying down place when, as often happens, the whole region is under water. The thatching of the roof is quite a work of art: inside, the regularity and compactness of the laying of the leaves display much skill and taste on the part of the builder; outside—with the outer layers there seems to have been less care taken than with those within—the mass of leaves of which the roof is composed is held in place and made firm by heavy logs, which, bound together in pairs, are laid upon it astride the ridge. The covering is, I was informed, water tight and durable and will resist even a violent wind. Only hurricanes can tear it off, and these are so infrequent in Southern Florida that no attempt is made to provide against them.

The Seminole's house is open on all sides and without rooms. It is, in fact, only a covered platform. The single equivalent for a room in it

FIFTH ANNUAL REPORT PL. XIX

SEMINOLE SWELLING

is the space above the joists which are extended across the building at the lower edges of the roof. In this are placed surplus food and general household effects out of use from time to time. Household utensils are usually suspended from the uprights of the building and from pronged sticks driven into the ground near by at convenient places.

From this description the Seminole's house may seem a poor kind of structure to use as a dwelling; yet if we take into account the climate of Southern Florida nothing more would seem to be necessary. A shelter from the hot sun and the frequent rains and a dry floor above the damp or water covered ground are sufficient for the Florida Indian's needs.

I-ful-lo-ha-tco's three houses are placed at three corners of an oblong clearing, which is perhaps 40 by 30 feet. At the fourth corner is the entrance into the garden, which is in shape an ellipse, the longer diameter being about 25 feet. The three houses are alike, with the exception that in one of them the elevated platform is only half the size of those of the others. This difference seems to have been made on account of the camp fire. The fire usually burns in the space around which the buildings stand. During the wet season, however, it is moved into the sheltered floor in the building having the half platform. At Tus-ko-na's camp, where several families are gathered, I noticed one building without the interior platform. This was probably the wet weather kitchen.

To all appearance there is no privacy in these open houses. The only means by which it seems to be secured is by suspending, over where one sleeps, a canopy of thin cotton cloth or calico, made square or oblong in shape, and nearly three feet in height. This serves a double use, as a private room and as a protection against gnats and mosquitoes.

But while I-ful-lo-ha-tco's house is a fair example of the kind of dwelling in use throughout the tribe, I may not pass unnoticed some innovations which have lately been made upon the general style. There are, I understand, five inclosed houses, which were built and are owned by Florida Indians. Four of these are covered with split cypress planks or slabs; one is constructed of logs.

Progressive "Key West Billy" has gone further than any other one, excepting perhaps Me-le, in the white man's ways of house building. He has erected for his family, which consists of one wife and three children, a cypress board house, and furnished it with doors and windows, partitions, floors, and ceiling. In the house are one upper and one or two lower rooms. Outside, he has a stairway to the upper floor, and from the upper floor a balcony. He possesses also an elevated bed, a trunk for his clothing, and a straw hat.

Besides the permanent home for the Seminole family, there is also the lodge which it occupies when for any cause it temporarily leaves the house. The lodges, or the temporary structures which the Seminole make when "camping out," are, of course, much simpler and less comfortable than their houses. I had the privilege of visiting two

"camping" parties—one of forty-eight Indians, at Tak-o-si-mac-la's cane field, on the edge of the Big Cypress Swamp; the other of twenty-two persons, at a Koonti ground, on Horse Creek, not far from the site of what was, long ago, Fort Davenport.

I found great difficulty in reaching the "camp" at the sugar cane field. I was obliged to leave my conveyance some distance from the island on which the cane field was located. When we arrived at the shore of the saw-grass marsh no outward sign indicated the presence of fifty Indians so close at hand; but suddenly three turbaned Seminole emerged from the marsh, as we stood there. Learning from our guide our business, they cordially offered to conduct us through the water and saw-grass to the camp. The wading was annoying and, to me, difficult; but at length we secured dry footing in the jungle on the island, and after a tortuous way through the tangled vegetation, which walled in the camp from the prairie, we entered the large clearing and the collection of lodges where the Indians were. These lodges, placed very close together and seemingly without order, were almost all made of white cotton cloths, which were each stretched over ridge poles and tied to four corner posts. The lodges were in shape like the fly of a wall tent, simply a sheet stretched for a cover.

At a Koonti ground on Horse Creek I met the Cat Fish Lake Indians. They had been forced to leave their homes to secure an extra supply of Koonti flour, because, as I understood the woman who told me, some animals had eaten all their sweet potatoes. The lodges of this party differed from those of the southern Indians in being covered above and around with palmetto leaves and in being shaped some like wall tents and others like single-roofed sheds. The accompanying sketch shows what kind of a shelter Täl-la-häs-ke had made for himself at Horse Creek. (Fig. 67.)

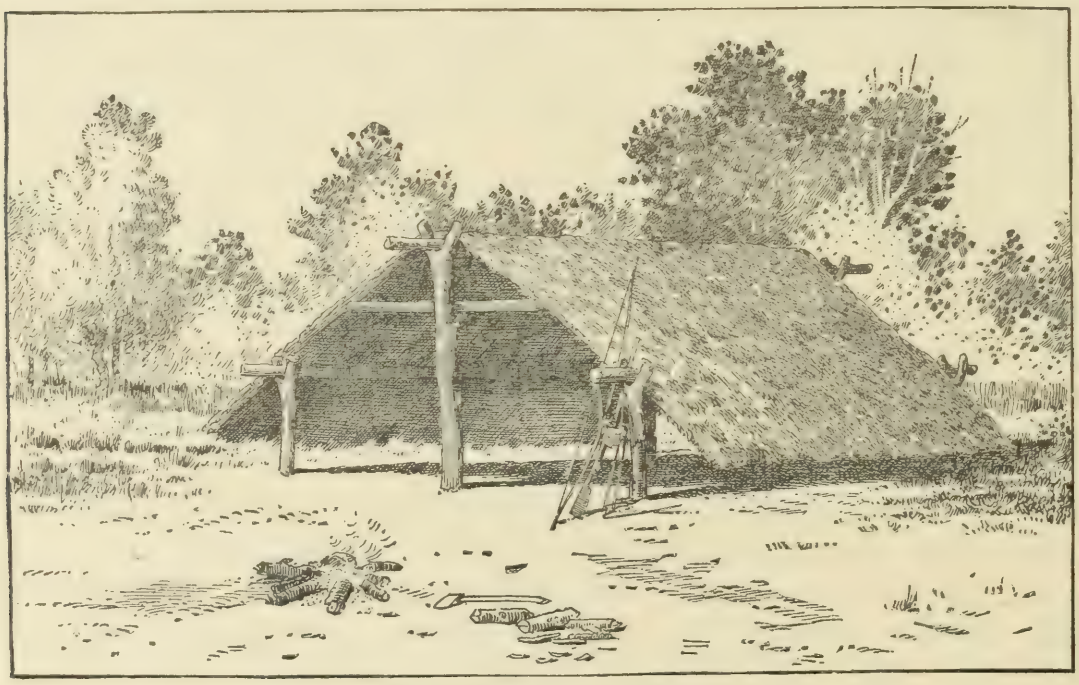


FIG. 67. Temporary dwelling.

Adjoining each of these lodges was a platform, breast high. These were made of small poles or sticks covered with the leaves of the palmetto. Upon and under these, food, clothing, and household utensils, generally, were kept; and between the rafters of the lodges and the roofs, also, many articles, especially those for personal use and adornment, were stored.

HOME LIFE.

Having now seen the formation of the Seminole family and taken a glance at the dwellings, permanent and temporary, which it occupies, we are prepared to look at its household life. I was surprised by the industry and comparative prosperity and, further, by the cheerfulness and mutual confidence, intimacy, and affection of these Indians in their family intercourse.

The Seminole family is industrious. All its members work who are able to do so, men as well as women. The former are not only hunters, fishermen, and herders, but agriculturists also. The women not only care for their children and look after the preparation of food and the general welfare of the home, but are, besides, laborers in the fields. In the Seminole family, both husband and wife are land proprietors and cultivators. Moreover, as we have seen, all children able to labor contribute their little to the household prosperity. From these various domestic characteristics, an industrious family life almost necessarily follows. The disesteem in which Tûs-ko-na, a notorious loafer at the Big Cypress Swamp, is held by the other Indians shows that laziness is not countenanced among the Seminole.

But let me not be misunderstood here. By a Seminole's industry I do not mean the persistent and rapid labor of the white man of a northern community. The Indian is not capable of this, nor is he compelled to imitate it. I mean only that, in describing him, it is but just for me to say that he is a worker and not a loafer.

As a result of the domestic industry it would be expected that we should find comparative prosperity prevailing among all Seminole families; and this is the fact. Much of the Indian's labor is wasted through his ignorance of the ways by which it might be economized. He has no labor saving or labor multiplying machines. There is but little differentiation of function in either family or tribe. Each worker does all kinds of work. Men give themselves to the hunt, women to the house, and both to the field. But men may be found sometimes at the cooking pot or toasting stick and women may be seen taking care of cattle and horses. Men bring home deer and turkeys, &c.; women spend days in fishing. Both men and women are tailors, shoemakers, flour makers, cane crushers and sirup boilers, wood hewers and bearers, and water carriers. There are but few domestic functions which may be said to belong exclusively, on the one hand, to men, or, on the other, to women.

Out of the diversified domestic industry, as I have said, comes comparative prosperity. The home is all that the Seminole family needs or desires for its comfort. There is enough clothing, or the means to get it, for every one. Ordinarily more than a sufficient quantity of clothes is possessed by each member of a family. No one lacks money or the material with which to obtain that which money purchases. Nor need any ever hunger, since the fields and nature offer them food in abundance. The families of the northern camps are not as well provided for by bountiful nature as those south of the Caloosahatchie River. Yet, though at my visit to the Cat Fish Lake Indians in midwinter the sweet potatoes were all gone, a good hunting ground and fertile fields of Koonti were near at hand for Tcup-ko's people to visit and use to their profit.

FOOD.

Read the bill of fare from which the Florida Indians may select, and compare with that the scanty supplies within reach of the North Carolina Cherokee or the Lake Superior Chippewa. Here is a list of their meats: Of flesh, at any time venison, often opossum, sometimes rabbit and squirrel, occasionally bear, and a land terrapin, called the "gopher," and pork whenever they wish it. Of wild fowl, duck, quail, and turkey in abundance. Of home reared fowl, chickens, more than they are willing to use. Of fish, they can catch myriads of the many kinds which teem in the inland waters of Florida, especially of the large bass, called "trout" by the whites of the State, while on the seashore they can get many forms of edible marine life, especially turtles and oysters. Equally well off are these Indians in respect to grains, vegetables, roots, and fruits. They grow maize in considerable quantity, and from it make hominy and flour, and all the rice they need they gather from the swamps. Their vegetables are chiefly sweet potatoes, large and much praised melons and pumpkins, and, if I may classify it with vegetables, the tender new growth of the tree called the cabbage palmetto. Among roots, there is the great dependence of these Indians, the abounding Koonti; also the wild potato, a small tuber found in black swamp land, and peanuts in great quantities. Of fruits, the Seminole family may supply itself with bananas, oranges (sour and sweet), limes, lemons, guavas, pineapples, grapes (black and red), cocoa nuts, cocoa plums, sea grapes, and wild plums. And with even this enumeration the bill of fare is not exhausted. The Seminole, living in a perennial summer, is never at a loss when he seeks something, and something good, to eat. I have omitted from the above list honey and the sugar cane juice and sirup, nor have I referred to the purchases the Indians now and then make from the white man, of salt pork, wheat flour, coffee, and salt, and of the various canned delicacies, whose attractive labels catch their eyes.

These Indians are not, of course, particularly provident. I was told,

however, that they are beginning to be ambitious to increase their little herds of horses and cattle and their numbers of chickens and swine.

CAMP FIRE.

Entering the more interior, the intimate home life of the Seminole, one observes that the center about which it gathers is the camp fire. This is never large except on a cool night, but it is of unceasing interest to the household. It is the place where the food is prepared, and where, by day, it is always preparing. It is the place where the social intercourse of the family, and of the family with their friends, is enjoyed. There the story is told; by its side toilets are made and household duties are performed, not necessarily on account of the warmth the fire gives, for it is often so small that its heat is almost imperceptible, but because of its central position in the household economy. This fire is somewhat singularly constructed; the logs used for it are of considerable length, and are laid, with some regularity, around a center, like the radii of a circle. These logs are pushed directly inward as the inner ends are consumed. The outer ends of the logs make excellent seats; sometimes they serve as pillows, especially for old men and women wishing to take afternoon naps.

Beds and bedding are of far less account to the Seminole family than the camp fire. The bed is often only the place where one chooses to lie. It is generally, however, chosen under the sheltering roof on the elevated platform, or, when made in the lodge, on palmetto leaves. It is pillowless, and has covering or not, as the sleeper may wish. If a cover is used, it is, as a rule, only a thin blanket or a sheet of cotton cloth, besides, during most of the year, the canopy or mosquito bar.

MANNER OF EATING.

Next in importance to the camp fire in the life of the Seminole household naturally comes the eating of what is prepared there. There is nothing very formal in that. The Indians do not set a table or lay dishes and arrange chairs. A good sized kettle, containing stewed meat and vegetables, is the center around which the family gathers for its meal. This, placed in some convenient spot on the ground near the fire, is surrounded by more or fewer of the members of the household in a sitting posture. If all that they have to eat at that time is contained in the kettle, each extracts, with his fingers or his knife, a piece of meat or a bone with meat on it, and, holding it in one hand, eats, while with the other hand each, in turn, supplies himself, by means of a great wooden spoon, from the porridge in the pot.

The Seminole, however, though observing meal times with some regularity, eats just as his appetite invites. If it happens that he has a side of venison roasting before the fire, he will cut from it at any time during the day and, with the piece of meat in one hand and a bit of Koonti or of different bread in the other, satisfy his appetite. Not

seldom, too, he rises during the night and breaks his sleep by eating a piece of the roasting meat. The kettle and big spoon stand always ready for those who at any moment may hunger. There is little to be said about eating in a Seminole household, therefore, except that when its members eat together they make a kettle the center of their group and that much of their eating is done without reference to one another.

AMUSEMENTS.

But one sees the family at home, not only working and sleeping and eating, but also engaged in amusing itself. Especially among the children, various sports are indulged in. I took some trouble to learn what amusements the little Seminole had invented or received. I obtained a list of them which might as well be that of the white man's as of the Indian's child. The Seminole has a doll, i. e., a bundle of rags, a stick with a bit of cloth wrapped about it, or something that serves just as well as this. The children build little houses for their dolls and name them "camps." Boys take their bows and arrows and go into the bushes and kill small birds, and on returning say they have been "turkey-hunting." Children sit around a small piece of land and, sticking blades of grass into the ground, name it a "corn field." They have the game of "hide and seek." They use the dancing rope, manufacture a "see-saw," play "leap frog," and build a "merry-go-round." Carrying a small stick, they say they carry a rifle. I noticed some children at play one day sitting near a dried deer skin, which lay before them stiff and resonant. They had taken from the earth small tubers about an inch in diameter found on the roots of a kind of grass and called "deer-food." Through them they had thrust sharp sticks of the thickness of a match and twice as long, making what we would call "teetotums." These, by a quick twirl between the palms of the hands, were set to spinning on the deer skin. The four children were keeping a dozen or more of these things going. The sport they called "a dance."

I need only add that the relations among the various members of the Indian family in Florida are, as a rule, so well adjusted and observed that home life goes on without discord. The father is beyond question master in his home. To the mother belongs a peculiar domestic importance from her connection with her gens, but both she and her children seek first to know and to do the will of the actual lord of the household. The father is the master without being a tyrant; the mother is a subject without being a slave; the children have not yet learned self-assertion in opposition to their parents: consequently, there is no constraint in family intercourse. The Seminole household is cheerful, its members are mutually confiding, and, in the Indian's way, intimate and affectionate.

THE SEMINOLE GENS.

Of this larger body of kindred, existing, as I could see, in very distinct form among the Seminole, I gained but little definite knowledge. What few facts I secured are here placed on record.

After I was enabled to make my inquiry understood, I sought to learn from my respondent the name of the gens to which each Indian whose name I had received belonged. As the result, I found that the two hundred and eight Seminole now in Florida are divided into the following gentes and in the following numbers:

1. Wind gens	21	7. Bear gens	4
2. Tiger gens	58	8. Wolf gens	1
3. Otter gens	39	9. Alligator gens	1
4. Bird gens	41	Unknown gentes	10
5. Deer gens	18		
6. Snake gens	15	Total	208

I endeavored, also, to learn the name the Indians use for gens or clan, and was told that it is "Po-ha-po-hûm-ko-sin;" the best translation I can give of the name is "Those of one camp or house."

Examining my table to find whether or not the word as translated describes the fact, I notice that, with but one exception, which may not, after all, prove to be an exception, each of the twenty-two camps into which the thirty-seven Seminole families are divided is a camp in which all the persons but the husbands are members of one gens. The camp at Miami is an apparent exception. There Little Tiger, a rather important personage, lives with a number of unmarried relatives. A Wolf has married one of Little Tiger's sisters and lives in the camp, as properly he should. Lately Tiger himself has married an Otter, but, instead of leaving his relatives and going to the camp of his wife's kindred, his wife has taken up her home with his people.

At the Big Cypress Swamp I tried to discover the comparative rank or dignity of the various clans. In reply, I was told by one of the Wind clan that they are graded in the following order. At the northernmost camp, however, another order appears to have been established.

Big Cypress camp.	*Northernmost camp.*
1. The Wind.	1. The Tiger.
2. The Tiger.	2. The Wind.
3. The Otter.	3. The Otter.
4. The Bird.	4. The Bird.
5. The Deer.	5. The Bear.
6. The Snake.	6. The Deer.
7. The Bear.	7. The Buffalo.
8. The Wolf.	8. The Snake.
	9. The Alligator.
	10. The Horned Owl.

This second order was given to me by one of the Bird gens and by one who calls himself distinctively a "Tallahassee" Indian. The Buffalo

and the Horned Owl clans seem now to be extinct in Florida, and I am not altogether sure that the Alligator clan also has not disappeared.

The gens is "a group of relatives tracing a common lineage to some remote ancestor. This lineage is traced by some tribes through the mother and by others through the father." "The gens is the grand unit of social organization, and for many purposes is the basis of governmental organization." To the gens belong also certain rights and duties.

Of the characteristics of the gentes of the Florida Seminole, I know only that a man may not marry a woman of his own clan, that the children belong exclusively to the mother, and that by birth they are members of her own gens. So far as duogamy prevails now among the Florida Indians, I observed that both the wives, in every case, were members of one gens. I understand also that there are certain games in which men selected from gentes as such are the contesting participants.

FELLOWHOOD.

In this connection I may say that if I was understood in my inquiries the Seminole have also the institution of "Fellowhood" among them. Major Powell thus describes this institution: "Two young men agree to be life friends, 'more than brothers,' confiding without reserve each in the other and protecting each the other from all harm."

THE SEMINOLE TRIBE.

TRIBAL ORGANIZATION.

The Florida Seminole, considered as a tribe, have a very imperfect organization. The complete tribal society of the past was much broken up through wars with the United States. These wars having ended in the transfer of nearly the whole of the population to the Indian Territory, the few Indians remaining in Florida were consequently left in a comparatively disorganized condition. There is, however, among these Indians a simple form of government, to which the inhabitants of at least the three southern settlements submit. The people of Cat Fish Lake and Cow Creek settlements live in a large measure independent of or without civil connection with the others. Tcup-ko calls his people "Tallahassee Indians." He says that they are not "the same" as the Fish Eating Creek, Big Cypress, and Miami people. I learned, moreover, that the ceremony of the Green Corn Dance may take place at the three last named settlements and not at those of the north. The "Tallahassee Indians" go to Fish Eating Creek if they desire to take part in the festival.

SEAT OF GOVERNMENT.

So far as there is a common seat of government, it is located at Fish Eating Creek, where reside the head chief and big medicine man of

the Seminole, Tûs-ta-nûg-ge, and his brother, Hŏs-pa-ta-ki, also a medicine man. These two are called the Tûs-ta-nûg-ul-ki, or "great heroes" of the tribe. At this settlement, annually, a council, composed of minor chiefs from the various settlements, meets and passes upon the affairs of the tribe.

TRIBAL OFFICERS.

What the official organization of the tribe is I do not know. My respondent could not tell me. I learned, in addition to what I have just written, only that there are several Indians with official titles, living at each of the settlements, except at the one on Cat Fish Lake. These were classified as follows:

Settlements.	Chief and medicine man.	War chiefs.	Little chiefs.	Medicine men.
Big Cypress Swamp		2	2	1
Miami River		1		1
Fish Eating Creek	1			1
Cow Creek				2
Total	1	3	2	5

NAME OF TRIBE.

I made several efforts to discover the tribal name by which these Indians now designate themselves. The name Seminole they reject. In their own language it means "a wanderer," and, when used as a term of reproach, "a coward." Ko-nip-ha-tco said, "Me no Sem-ai-no-le; Seminole cow, Seminole deer, Seminole rabbit; me no Seminole. Indians gone Arkansas Seminole." He meant that timidity and flight from danger are "Seminole" qualities, and that the Indians who had gone west at the bidding of the Government were the true renegades. This same Indian informed me that the people south of the Caloosahatchie River, at Miami and the Big Cypress Swamp call themselves "Kän-yuk-sa Is-ti-tca-ti," i. e., "Kän-yuk-sa red men." Kän-yuk-sa is their word for what we know as Florida. It is composed of I-kan-a, "ground," and I-yuk-sa, "point" or "tip," i. e., point of ground, or peninsula. At the northern camps the name appropriate to the people there, they say, is "Tallahassee Indians."

CHAPTER III.

SEMINOLE TRIBAL LIFE.

We may now look at the life of the Seminole in its broader relations to the tribal organization. Some light has already been thrown on this subject by the preceding descriptions of the personal characteristics and social relations of these Indians. But there are other matters to be considered, as, for example, industries, arts, religion, and the like.

INDUSTRIES.

AGRICULTURE.

Prominent among the industries is agriculture. The Florida Indians have brought one hundred or more acres of excellent land under a rude sort of cultivation. To each family belong, by right of use and agreement with other Indians, fields of from one to four acres in extent. The only agricultural implement they have is the single bladed hoe common on the southern plantation. However, nothing more than this is required.

Soil.— The ground they select is generally in the interiors of the rich hammocks which abound in the swamps and prairies of Southern Florida. There, with a soil unsurpassed in fertility and needing only to be cleared of trees, vines, underbrush, &c., one has but to plant corn, sweet potatoes, melons, or any thing else suited to the climate, and keep weeds from the growing vegetation, that he may gather a manifold return. The soil is wholly without gravel, stones, or rocks. It is soft, black, and very fertile. To what extent the Indians carry agriculture I do not know. I am under the impression, however, that they do not attempt to grow enough to provide much against the future. But, as they have no season in the year wholly unproductive and for which they must make special provision, their improvidence is not followed by serious consequences.

Corn.—The chief product of their agriculture is corn. This becomes edible in the months of May and June and at this time it is eaten in great quantities. Then it is that the annual festival called the "Green Corn Dance" is celebrated. When the corn ripens, a quantity of it is laid aside and gradually used in the form of hominy and of what I heard described as an "exceedingly beautiful meal, white as the finest wheat flour." This meal is produced by a slow and tedious process. The corn is hulled and the germ cut out, so that there is only a pure white residue. This is then reduced by mortar and pestle to an almost impalpable dust. From this flour a cake is made, which is said to be very pleasant to the taste.

Sugar cane.—Another product of their agriculture is the sugar cane. In growing this they are the producers of perhaps the finest sugar cane grown in America; but they are not wise enough to make it a source of profit to themselves. It seems to be cultivated more as a passing luxury. It was at "Old Tommy's" sugar field I met the forty-eight of the people of the Big Cypress Swamp settlement already mentioned. They had left their homes that they might have a pleasuring for a few weeks together, "camping out" and making and eating sirup. The cane which had been grown there was the largest I or my companion, Capt. F. A. Hendry, of Myers, had ever seen. It was two inches or more in diameter, and, as we guessed, seventeen feet or more in length. To obtain the sirup the Indians had constructed two rude mills, the cylinders of which, however, were so loosely adjusted that full half the juice was lost in the process of crushing the cane. The juice was caught in various kinds of iron and tin vessels, kettles, pails, and cans, and after having been strained was boiled until the proper consistency was reached.

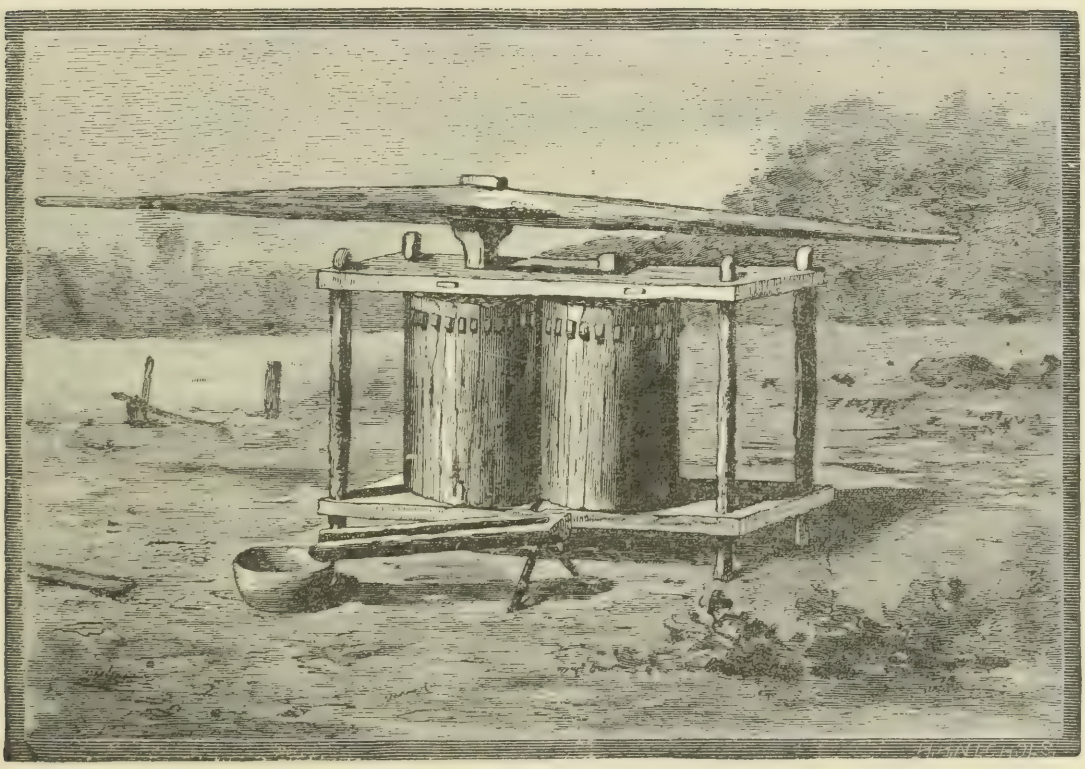


FIG. 68. Sugar cane crusher.

At the time we were at the camp quite a quantity of the sirup had been made. It stood around the boiling place in kettles, large and small, and in cans bearing the labels of well known Boston and New York packers, which had been purchased at Myers. Of special interest to me was a platform near the boiling place, on which lay several deer skins, that had been taken as nearly whole as possible from the bodies of the animals, and utilized as holders of the sirup. They were filled with the sweet stuff, and the ground beneath was well covered by a slow leakage from them. "Key West Billy" offered me some of the

cane juice to drink. It was clean looking and served in a silver gold lined cup of spotless brilliancy. It made a welcome and delicious drink. I tasted some of the sirup also, eating it Indian fashion, i. e., I pared some of their small boiled wild potatoes and, dipping them into the sweet liquid, ate them. The potato itself tastes somewhat like a boiled chestnut.

The sugar cane mill was a poor imitation of a machine the Indians had seen among the whites. Its cylinders were made of live oak; the driving cogs were cut from a much harder wood, the mastic, I was told; and these were so loosely set into the cylinders that I could take them out with thumb and forefinger. (Fig. 68.)

It is not necessary to speak in particular of the culture of sweet potatoes, beans, melons, &c. At best it is very primitive. It is, however, deserving of mention that the Seminole have around their houses at least a thousand banana plants. When it is remembered that a hundred bananas are not an overlarge yield for one plant, it is seen how well off, so far as this fruit is concerned, these Indians are.

HUNTING.

Next in importance as an industry of the tribe (if it may be so called) is hunting. Southern Florida abounds in game and the Indians have only to seek in order to find it. For this purpose they use the rifle. The bow and arrow are no longer used for hunting purposes except by the smaller children. The rifles are almost all the long, heavy, small bore "Kentucky" rifle. This is economical of powder and lead, and for this reason is preferred by many to even the modern improved weapons which carry fixed ammunition. The Seminole sees the white man so seldom and lives so far from trading posts that he is not willing to be confined to the use of the prepared cartridge.

A few breech loading rifles are owned in the tribe. The shot gun is much disliked by the Seminole. There is only one among them, and that is a combination of shot gun with rifle. I made a careful count of their fire arms, and found that they own, of "Kentucky" rifles, 63; breech loading rifles, 8; shot gun and rifle, 1; revolvers, 2—total, 74.

Methods of hunting.—The Seminole always hunt their game on foot. They can approach a deer to within sixty yards by their method of rapidly nearing him while he is feeding, and standing perfectly still when he raises his head. They say that they are able to discover by certain movements on the part of the deer when the head is about to be lifted. They stand side to the animal. They believe that they can thus deceive the deer, appearing to them as stumps or trees. They lure turkeys within shooting distance by an imitation of the calls of the bird. They leave small game, such as birds, to the children. One day, while some of our party were walking near Horse Creek with Ka-tca-la-ni, a covey of quail whirred out of the grass. By a quick jerk the Indian threw

his ramrod among the birds and killed one. He appeared to regard this feat as neither accidental nor remarkable.

I sought to discover how many deer the Seminole annually kill, but could get no number which I can call trustworthy. I venture twenty-five hundred as somewhere near a correct estimate.

Otter hunting is another of the Seminole industries. This animal has been pursued with the rifle and with the bow and arrow. Lately the Indians have heard of the trap. When we left Horse Creek, a request was made by one of them to our guide to purchase for him six otter traps for use in the Cat Fish Lake camp.

FISHING.

Fishing is also a profitable industry. For this the hook and line are often used; some also use the spoon hook. But it is a common practice among them to kill the fish with bow and arrow, and in this they are quite skillful. One morning some boys brought me a bass, weighing perhaps six pounds, which one of them had shot with an arrow.

STOCK RAISING.

Stock raising, in a small way, may be called a Seminole industry. I found that at least fifty cattle, and probably more, are owned by members of the tribe and that the Seminole probably possess a thousand swine and five hundred chickens. The latter are of an excellent breed. At Cat Fish Lake an unusual interest in horses seems now to be developing. I found there twenty horses. I was told that there are twelve horses at Fish Eating Creek, and I judge that between thirty-five and forty of these animals are now in possession of the tribe.

KOONTI.

The unique industry, in the more limited sense of the word, of the Seminole is the making of the Koonti flour. Koonti is a root containing a large percentage of starch. It is said to yield a starch equal to that of the best Bermuda arrowroot. White men call it the "Indian bread root," and lately its worth as an article of commerce has been recognized by the whites. There are now at least two factories in operation in Southern Florida in which the Koonti is made into a flour for the white man's market. I was at one such factory at Miami and saw another near Orlando. I ate of a Koonti pudding at Miami, and can say that, as it was there prepared and served with milk and guava jelly, it was delicious. As might be supposed, the Koonti industry, as carried on by the whites, produces a far finer flour than that which the Indians manufacture. The Indian process, as I watched it at Horse Creek, was this: The roots were gathered, the earth was washed from them, and they were laid in heaps near the "Koonti log."

The Koonti log, so called, was the trunk of a large pine tree, in which a number of holes, about nine inches square at the top, their sides

sloping downward to a point, had been cut side by side. Each of these holes was the property of some one of the squaws or of the children of

FIG. 69. Koonti log.

the camp. For each of the holes, which were to serve as mortars, a pestle made of some hard wood had been furnished. (Fig. 69.)

The first step in the process was to reduce the washed Koonti to a kind of pulp. This was done by chopping it into small pieces and

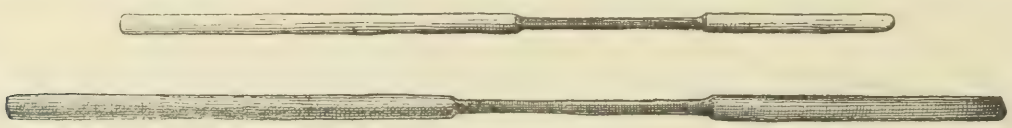


FIG. 70. Koonti pestles.

filling with it one of the mortars and pounding it with a pestle. The contents of the mortar were then laid upon a small platform. Each worker had a platform. When a sufficient quantity of the root had been pounded the whole mass was taken to the creek near by and thoroughly saturated with water in a vessel made of bark.

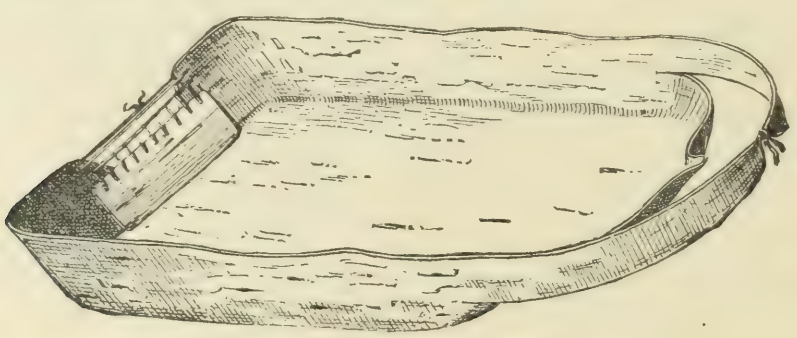


FIG. 71. Koonti mash vessel.

The pulp was then washed in a straining cloth, the starch of the Koonti draining into a deer hide suspended below.

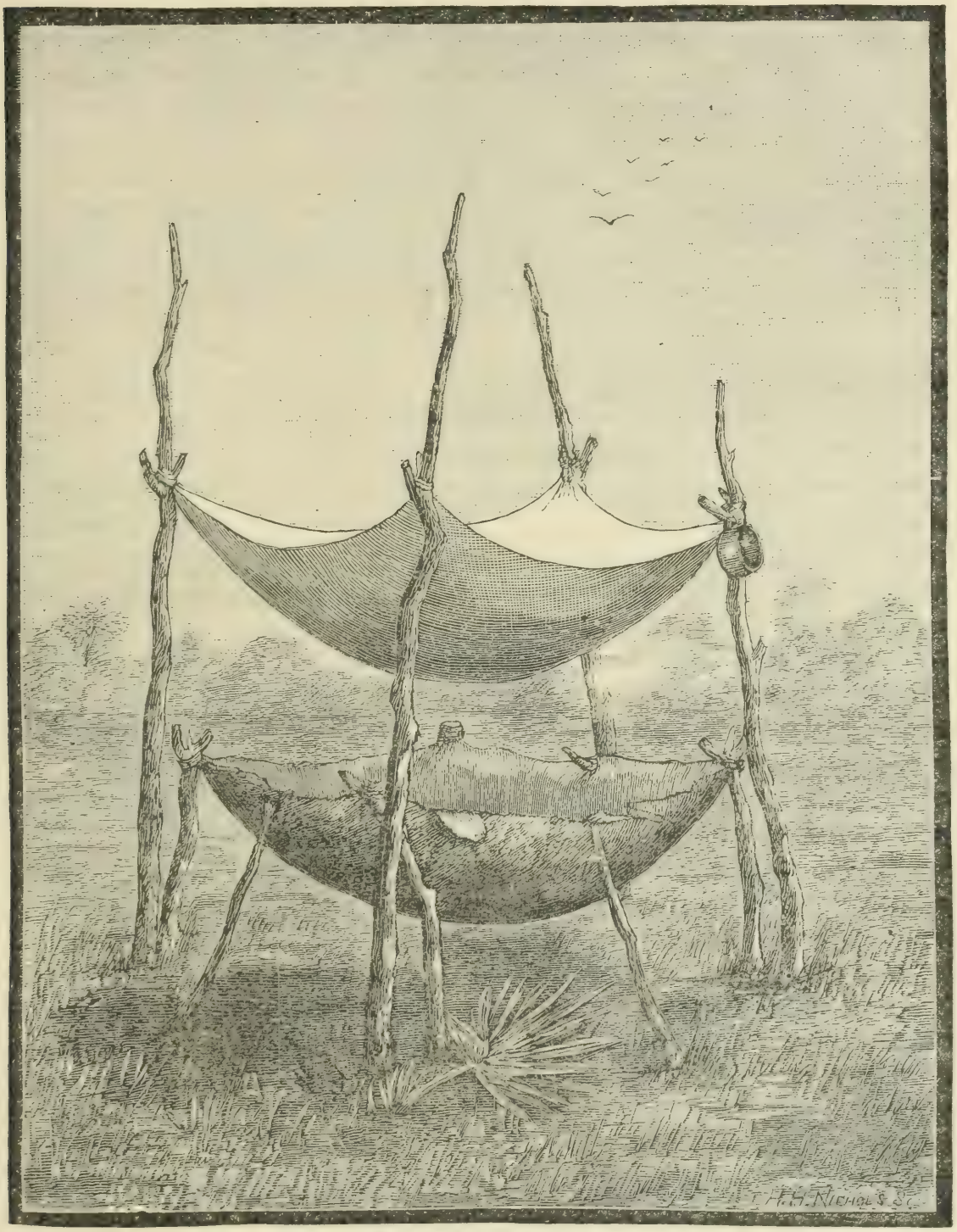


FIG. 72. Koonti strainer.

When the starch had been thoroughly washed from the mass the latter was thrown away, and the starchy sediment in the water in the deer skin left to ferment. After some days the sediment was taken from the water and spread upon palmetto leaves to dry. When dried, it was a yellowish white flour, ready for use. In the factory at Miami substantially this process is followed, the chief variation from it being that the

Koonti is passed through several successive fermentations, thereby making it purer and whiter than the Indian product. Improved appliances for the manufacture are used by the white man.

The Koonti bread, as I saw it among the Indians, was of a bright orange color, and rather insipid, though not unpleasant to the taste. It was saltless. Its yellow color was owing to the fact that the flour had had but one fermentation.

INDUSTRIAL STATISTICS.

The following is a summary of the results of the industries now engaged in by the Florida Indians. It shows what is approximately true of these at the present time:

Acres under cultivation		100
Corn raised	bushels	500
Sugar cane	gallons	1,500
Cattle	number owned	50
Swine	do	1,000
Chickens	do	500
Horses	do	35
Koonti	bushels	5,000
Sweet potatoes	do	.....
Melons	number	3,000

ARTS.

INDUSTRIAL ARTS.

In reference to the way in which the Seminole Indians have met necessities for invention and have expressed the artistic impulse, I found little to add to what I have already placed on record.

Utensils and implements.—The proximity of this people to the Europeans for the last three centuries, while it has not led them to adopt the white man's civilization in matters of government, religion, language, manners, and customs, has, nevertheless, induced them to appropriate for their own use some of the utensils, implements, weapons, &c., of the strangers. For example, it was easy for the ancestors of these Indians to see that the iron kettle of the white man was better in every way than their own earthenware pots. Gradually, therefore, the art of making pottery died out among them, and now, as I believe, there is no pottery whatever in use among the Florida Indians. They neither make nor purchase it. They no longer buy even small articles of earthenware, preferring tin instead. Iron implements likewise have supplanted those made of stone. Even their word for stone, "Tcat-to," has been applied to iron. They purchase hoes, hunting knives, hatchets, axes, and, for special use in their homes, knives nearly two feet in length. With these long knives they dress timber, chop meat, etc.

Weapons.—They continue the use of the bow and arrow, but no longer for the purposes of war, or, by the adults, for the purposes of hunting.

The rifle serves them much better. It seems to be customary for every male in the tribe over twelve years of age to provide himself with a rifle. The bow, as now made, is a single piece of mulberry or other elastic wood and is from four to six feet in length; the bowstring is made of twisted deer rawhide; the arrows are of cane and of hard wood and vary in length from two to four feet; they are, as a rule, tipped with a sharp conical roll of sheet iron. The skill of the young men in the use of the bow and arrow is remarkable.

Weaving and basket making.—The Seminole are not now weavers. Their few wants for clothing and bedding are supplied by fabrics manufactured by white men. They are in a small way, however, basket makers. From the swamp cane, and sometimes from the covering of the stalk of the fan palmetto, they manufacture flat baskets and sieves for domestic service.

Uses of the palmetto.—In this connection I call attention to the inestimable value of the palmetto tree to the Florida Indians. From the trunk of the tree the frames and platforms of their houses are made; of its leaves durable water tight roofs are made for the houses; with the leaves their lodges are covered and beds protecting the body from the dampness of the ground are made; the tough fiber which lies between the stems of the leaves and the bark furnishes them with material from which they make twine and rope of great strength and from which they could, were it necessary, weave cloth for clothing; the tender new growth at the top of the tree is a very nutritious and palatable article of food, to be eaten either raw or baked; its taste is somewhat like that of the chestnut; its texture is crisp like that of our celery stalk.

Mortar and pestle.—The home made mortar and pestle has not yet been supplanted by any utensil furnished by the trader. This is still the best mill they have in which to grind their corn. The mortar is made from a log of live oak (?) wood, ordinarily about two feet in length and from fifteen to twenty inches in diameter. One end of the log is hollowed out to quite a depth, and in this, by the hammering of a pestle made of mastic wood, the corn is reduced to hominy or to the impalpable flour of which I have spoken. (Fig. 73.)

FIG. 73. Mortar and pestle.

Canoe making.—Canoe making is still one of their industrial arts, the canoe being their chief means of transportation. The Indian settlements are all so situated that the inhabit-

ants of one can reach those of the others by water. The canoe is what is known as a "dugout," made from the cypress log.

Fire making.—The art of fire making by simple friction is now, I believe, neglected among the Seminole, unless at the starting of the sacred fire for the Green Corn Dance. A fire is now kindled either by the common Ma-tci (matches) of the civilized man or by steel and flint, powder and paper. "Tom Tiger" showed me how he builds a fire when away from home. He held, crumpled between the thumb and forefinger of the left hand, a bit of paper. In the folds of the paper he poured from his powder horn a small quantity of gunpowder. Close beside the paper he held also a piece of flint. Striking this flint with a bit of steel and at the same time giving to the left hand a quick upward movement, he ignited the powder and paper. From this he soon made a fire among the pitch pine chippings he had previously prepared.

Preparation of skins.—I did not learn just how the Indians dress deer skins, but I observed that they had in use and for sale the dried skin, with the hair of the animal left on it; the bright yellow buckskin, very soft and strong; and also the dark red buckskin, which evidently had passed, in part of its preparation, through smoke. I was told that the brains of the animal serve an important use in the skin dressing process. The accompanying sketch shows a simple frame in use for stretching and drying the skin. (Fig. 74.)

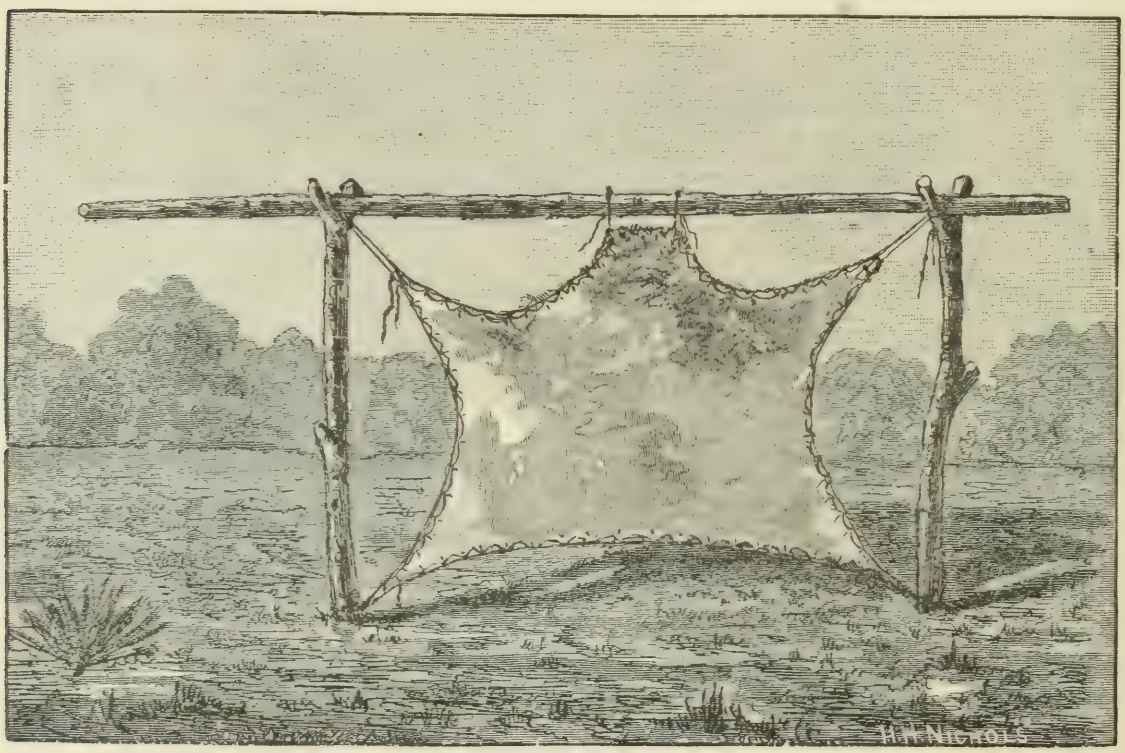


FIG. 74. Hide stretcher.

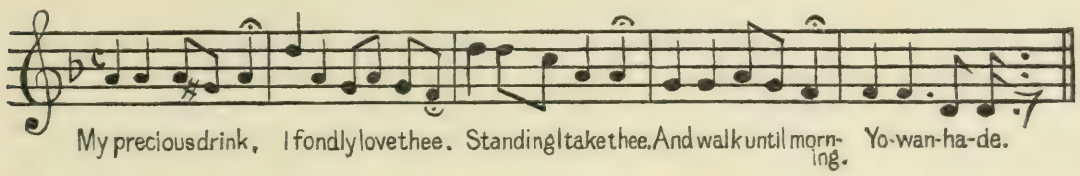
ORNAMENTAL ARTS.

In my search for evidence of the working of the art instinct proper, i. e., in ornamental or fine art, I found but little to add to what has been

already said. I saw but few attempts at ornamentation beyond those made on the person and on clothing. Houses, canoes, utensils, implements, weapons, were almost all without carving or painting. In fact, the only carving I noticed in the Indian country was on a pine tree near Myers. It was a rude outline of the head of a bull. The local report is that when the white men began to send their cattle south of the Caloosahatchie River the Indians marked this tree with this sign. The only painting I saw was the rude representation of a man, upon the shaft of one of the pestles used at the Koonti log at Horse Creek. It was made by one of the girls for her own amusement.

I have already spoken of the art of making silver ornaments.

Music.—Music, as far as I could discover, is but little in use among the Seminole. Their festivals are few; so few that the songs of the fathers have mostly been forgotten. They have songs for the Green Corn Dance; they have lullabys; and there is a doleful song they sing in praise of drink, which is occasionally heard when the white man has sold Indians whisky on coming to town. Knowing the motive of the song, I thought the tune stupid and maudlin. Without pretending to reproduce it exactly, I remember it as something like this:



I give a free translation of the Indian words and an approximation to the tune. The last note in this, as in the lullaby I noted above, is unmusical and staccato.

RELIGION.

I could learn but little of the religious faiths and practices existing among the Florida Indians. I was struck, however, in making my investigations, by the evident influence Christian teaching has had upon the native faith. How far it has penetrated the inherited thought of the Indian I do not know. But, in talking with Ko-nip-ha-tco, he told me that his people believe that the Koonti root was a gift from God; that long ago the "Great Spirit" sent Jesus Christ to the earth with the precious plant, and that Jesus had descended upon the world at Cape Florida and there given the Koonti to "the red men." In reference to this tradition, it is to be remembered that during the seventeenth century the Spaniards had vigorous missions among the Florida Indians. Doubtless it was from these that certain Christian names and beliefs now traceable among the Seminole found way into the savage creed and ritual.

I attempted several times to obtain from my interpreter a statement of the religious beliefs he had received from his people. I cannot affirm with confidence that success followed my efforts.

He told me that his people believe in a "Great Spirit," whose name is His-a-kit-a-mis i. This word, I have good reason to believe, means "the master of breath." The Seminole for breath is His-a-kit-a.

I cannot be sure that Ko-nip-ha-tco knew anything of what I meant by the word "spirit." I tried to convey my meaning to him, but I think I failed. He told me that the place to which Indians go after death is called "Po-ya-fi-tsa" and that the Indians who have died are the Pi-ya-fits-ul-ki, or "the people of Po-ya-fi-tsa." That was our nearest understanding of the word "spirit" or "soul."

MORTUARY CUSTOMS.

As the Seminole mortuary customs are closely connected with their religious beliefs, it will be in place to record here what I learned of them. The description refers particularly to the death and burial of a child.

The preparation for burial began as soon as death had taken place. The body was clad in a new shirt, a new handkerchief being tied about the neck and another around the head. A spot of red paint was placed on the right cheek and one of black upon the left. The body was laid face upwards. In the left hand, together with a bit of burnt wood, a small bow about twelve inches in length was placed, the hand lying naturally over the middle of the body. Across the bow, held by the right hand, was laid an arrow, slightly drawn. During these preparations, the women loudly lamented, with hair disheveled. At the same time some men had selected a place for the burial and made the grave in

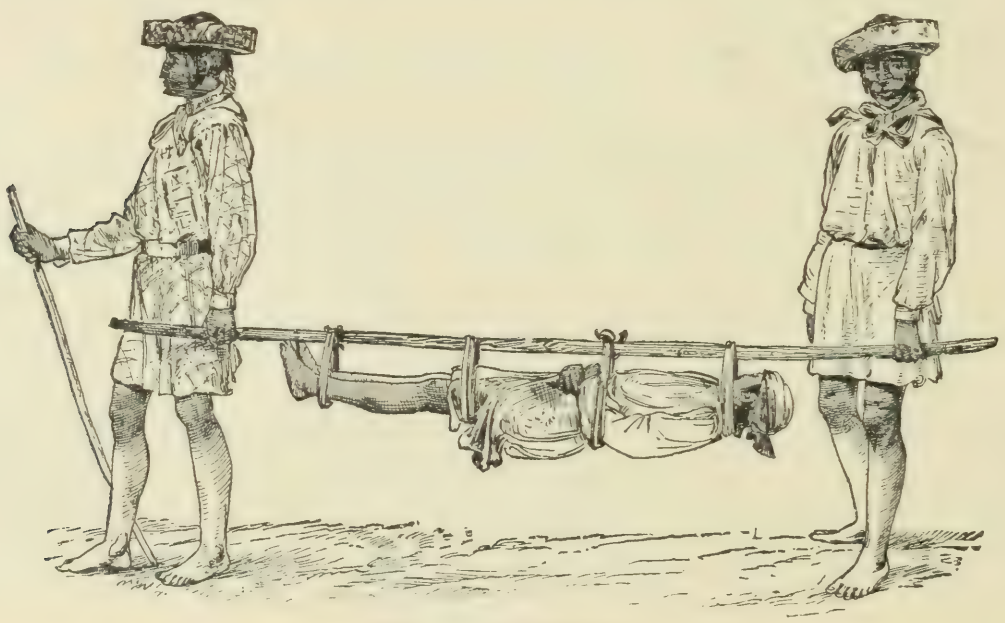


FIG. 75. Seminole bier.

this manner: Two palmetto logs of proper size were split. The four pieces were then firmly placed on edge, in the shape of an oblong box, lengthwise east and west. In this box a floor was laid, and over this a blanket was spread. Two men, at next sunrise, carried the body from

the camp to the place of burial, the body being suspended at feet thighs, back, an d neck from a long pole (Fig. 75). The relatives followed. In the grave, which is called "To-hŏp-ki"—a word used by the Seminole for "stockade," or "fort," also, the body was then laid the feet to the east. A blanket was then carefully wrapped around the body. Over this palmetto leaves were placed and the grave was tightly closed by a covering of logs. Above the box a roof was then built Sticks, in the form of an **X**, were driven into the earth across the overlying logs; these were connected by a pole, and this structure was covered thickly with palmetto leaves. (Fig. 76.)

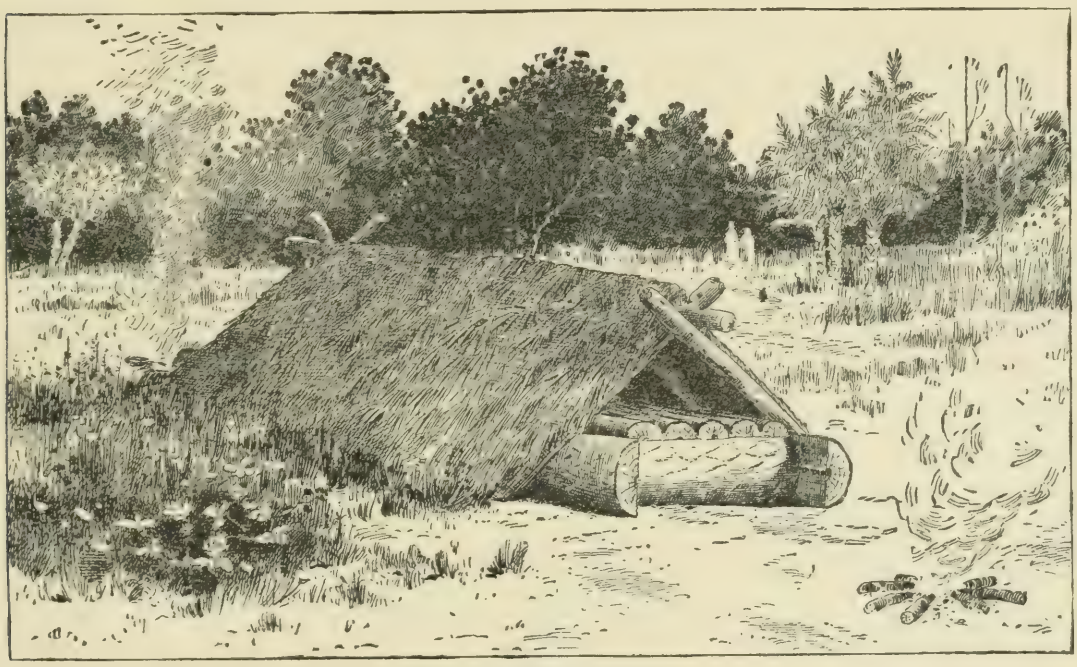


FIG. 76. Seminole grave.

The bearers of the body then made a large fire at each end of the "To-hŏp-ki." With this the ceremony at the grave ended and all returned to the camp. During that day and for three days thereafter the relatives remained at home and refrained from work. The fires at the grave were renewed at sunset by those who had made them, and after nightfall torches were there waved in the air, that "the bad birds of the night" might not get at the Indian lying in his grave. The renewal of the fires and waving of the torches were repeated three days. The fourth day the fires were allowed to die out. Throughout the camp "medicine" had been sprinkled at sunset for three days. On the fourth day it was said that the Indian "had gone." From that time the mourning ceased and the members of the family returned to their usual occupations.

The interpretation of the ceremonies just mentioned, as given me, is this: The Indian was laid in his grave to remain there, it was believed, only until the fourth day. The fires at head and feet, as well as the waving of the torches, were to guard him from the approach of "evil birds" who would harm him. His feet were placed toward the east, that when he arose to go to the skies he might go straight to the sky

path, which commenced at the place of the sun's rising; that were he laid with the feet in any other direction he would not know when he rose what path to take and he would be lost in the darkness. He had with him his bow and arrow, that he might procure food on his way. The piece of burnt wood in his hand was to protect him from the "bad birds" while he was on his skyward journey. These "evil birds" are called Ta-lak-i-çlak-o. The last rite paid to the Seminole dead is at the end of four moons. At that time the relatives go to the To-hŏp-ki and cut from around it the overgrowing grass. A widow lives with disheveled hair for the first twelve moons of her widowhood.

GREEN CORN DANCE.

The one institution at present in which the religious beliefs of the Seminole find special expression is what is called the "Green Corn Dance." It is the occasion for an annual purification and rejoicing. I could get no satisfactory description of the festival. No white man, so I was told, has seen it, and the only Indian I met who could in any manner speak English made but an imperfect attempt to describe it. In fact, he seemed unwilling to talk about it. He told me, however, that as the season for holding the festival approaches the medicine men assemble and, through their ceremonies, decide when it shall take place, and, if I caught his meaning, determine also how long the dance shall continue. Others, on the contrary, told me that the dance is always continued for four days.

Fifteen days previous to the festival heralds are sent from the lodge of the medicine men to give notice to all the camps of the day when the dance will commence. Small sticks are thereupon hung up in each camp, representing the number of days between that date and the day of the beginning of the dance. With the passing of each day one of these sticks is thrown away. The day the last one is cast aside the families go to the appointed place. At the dancing ground they find the selected space arranged as in the accompanying diagram (Fig. 77).

The evening of the first day the ceremony of taking the "Black Drink," Pa-sa-is-kit-a, is endured. This drink was described to me as having both a nauseating smell and taste. It is probably a mixture similar to that used by the Creek in the last century at a like ceremony. It acts as both an emetic and a cathartic, and it is believed among the Indians that unless one drinks of it he will be sick at some time in the year, and besides that he cannot safely eat of the green corn of the feast. During the drinking the dance begins and proceeds; in it the medicine men join.

At that time the Medicine Song is sung. My Indian would not repeat this song for me. He declared that any one who sings the Medicine Song, except at the Green Corn Dance or as a medicine man, will certainly meet with some harm. That night, after the "Black Drink" has had its effect, the Indians sleep. The next morning they

eat of the green corn. The day following is one of fasting, but the next day is one of great feasting, "Hom-pi-ta-çlak-o," in which "Indian eat all time," "Hom-pis-yak-i-ta."

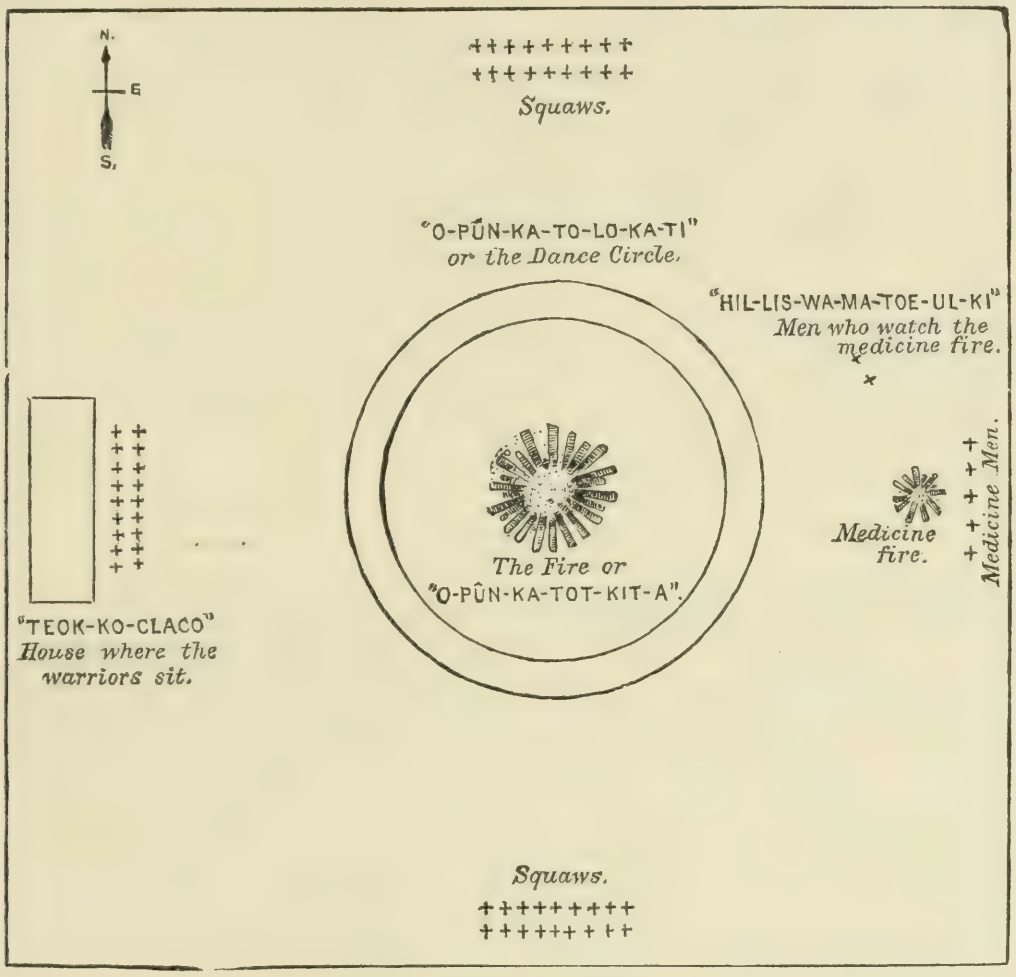


FIG. 77. Green Corn Dance.

USE OF MEDICINES.

Concerning the use by the Indians of medicine against sickness, I learned only that they are in the habit of taking various herbs for their ailments. What part incantation or sorcery plays in the healing of disease I do not know. Nor did I learn what the Indians think of the origin and effects of dreams. Me-le told me that he knows of a plant the leaves of which, eaten, will cure the bite of a rattlesnake, and that he knows also of a plant which is an antidote to the noxious effects of the poison ivy or so-called poison oak.

GENERAL OBSERVATIONS.

I close this chapter by putting upon record a few general observations, as an aid to future investigation into Seminole life.

STANDARD OF VALUE.

The standard of value among the Florida Indians is now taken from the currency of the United States. The unit they seem to have adopted,

at least at the Big Cypress Swamp settlement, is twenty-five cents, which they call "Kan-cat-ka-hum-kin" (literally, "one mark on the ground"). At Miami a trader keeps his accounts with the Indians in single marks or pencil strokes. For example, an Indian brings to him buck skins, for which the trader allows twelve "chalks." The Indian, not wishing then to purchase anything, receives a piece of paper marked in this way:

"IIII–IIII–IIII.
J. W. E. owes Little Tiger $3."

At his next visit the Indian may buy five "marks" worth of goods The trader then takes the paper and returns it to Little Tiger changed as follows:

"IIII–III.
J. W. E. owes Little Tiger
$1.75."

Thus the account is kept until all the "marks" are crossed off, when the trader takes the paper into his own possession. The value of the purchases made at Miami by the Indians, I was informed, is annually about $2,000. This is, however, an amount larger than would be the average for the rest of the tribe, for the Miami Indians do a considerable business in the barter and sale of ornamental plumage.

What the primitive standard of value among the Seminole was is suggested to me by their word for money, "Tcat-to Ko-na-wa." "Ko-na-wa" means beads, and "Tcat-to," while it is the name for iron and metal, is also the name for stone. "Tcat-to" probably originally meant stone. Tcat-to Ko-na-wa (i. e., stone beads) was, then, the primitive money. With "Hat-ki," or white, added, the word means silver; with "La-ni," or yellow, added, it means gold. For greenbacks they use the words "Nak-ho-tsi Tcat-to Ko-na-wa," which is, literally, "paper stone beads."

Their methods of measuring are now, probably, those of the white man. I questioned my respondent closely, but could gain no light upon the terms he used as equivalents for our measurements.

DIVISIONS OF TIME.

I also gained but little knowledge of their divisions of time. They have the year, the name for which is the same as that used for summer, and in their year are twelve months, designated, respectively:

1. Çla-fŭts-u-tsi, Little Winter.
2. Ho-ta-li-ha-si, Wind Moon.
3. Ho-ta-li-ha-si-çlak-o, Big Wind Moon.
4. Ki-ha-su-tsi, Little Mulberry Moon.
5. Ki-ha-si-çlak-o, Big Mulberry Moon.
6. Ka-tco-ha-si.
7. Hai-yu-tsi.
8. Hai-yu-tsi-çlak-o.
9. O-ta-wŭs-ku-tsi.
10. O-ta-wŭs-ka-çlak-o.
11. I-ho-li.
12. Çla-fo-çlak-o, Big Winter.

I suppose that the spelling of these words could be improved, but I reproduce them phonetically as nearly as I can, not making what to me would be desirable corrections. The months appear to be divided simply into days, and these are, in part at least, numbered by reference to successive positions of the moon at sunset. When I asked Täl-la-häs-ke how long he would stay at his present camp, he made reply by pointing to the new moon in the west and sweeping his hand from west to east to where the moon would be when he should go home. He meant to answer, about ten days thence. The day is divided by terms descriptive of the positions of the sun in the sky from dawn to sunset.

NUMERATION.

The Florida Indians can count, by their system, indefinitely. Their system of numeration is quinary, as will appear from the following list:

1. Hûm-kin.
2. Ho-*ko-lin*.
3. To-*tci-nin*.
4. *Os-tin*.
5. Tsaq-ke-pin.
6. I-pa-kin.
7. *Ko-lo*-pa-kin.
8. *Tci-na*-pa-kin.
9. *Os-ta*-pa-kin.
10. Pa-lin.
11. Pa-lin-hûm-kin, *i. e.*, ten one, &c.
20. Pa-li-ho-ko-lin, i. e., two tens.

As a guide towards a knowledge of the primitive manner of counting the method used by an old man in his intercourse with me will serve. He wished to count eight. He first placed the thumb of the right hand upon the little finger of the left, then the right forefinger upon the next left hand finger, then the thumb on the next finger, and the forefinger on the next, and then the thumb upon the thumb; leaving now the thumb of the right hand resting upon the thumb of the left, he counted the remaining numbers on the right hand, using for this purpose the fore and middle fingers of the left; finally he shut the fourth and little fingers of the right hand down upon its palm, and raising his hands, thumbs touching, the counted fingers outspread, he showed me eight as the number of horses of which I had made inquiry.

SENSE OF COLOR.

Concerning the sense of color among these Indians, I found that my informant at least possessed it to only a very limited degree. Black and white were clear to his sight, and for these he had appropriate names. Also for brown, which was to him a "yellow black," and for gray, which was a "white black." For some other colors his perception was distinct and the names he used proper. But a name for blue he applied to many other colors, shading from violet to green. A name for red followed a succession of colors all the way from scarlet to pink. A name for yellow he applied to dark orange and thence to a list of colors through to yellow's lightest and most delicate tint. I thought that at one time I had found him making a clear distinction between green and blue, but as I examined further I was never certain that he would not exchange the names when asked about one or the other color.

EDUCATION.

The feeling of the tribe is antagonistic to even such primary education as reading, writing, and calculation. About ten years ago an attempt, the only attempt in modern times, to establish schools among them was made by Rev. Mr. Frost, now at Myers, Fla. He did not succeed.

SLAVERY.

By reference to the population table, it will be noticed that there are three negroes and seven persons of mixed breed among the Seminole. It has been said that these negroes were slaves and are still held as slaves by the Indians. I saw nothing and could not hear of anything to justify this statement. One Indian is, I know, married to a negress, and the two negresses in the tribe live apparently on terms of perfect equality with the other women. Me-le goes and comes as he sees fit. No one attempts to control his movements. It may be that long ago the Florida Indians held negroes as slaves, but my impression is to the contrary. The Florida Indians, I think, rather offered a place of refuge for fugitive bondmen and gradually made them members of their tribe.

HEALTH.

In the introduction to this report I said that the health of the Seminole is good. As confirming this statement, I found that the deaths during the past year had been very few. I had trustworthy information concerning the deaths of only four persons. One of these deaths was of an old woman, O-pa-ka, at the Fish Eating Creek settlement; another was of Täl-la-häs ke's wife, at Cat Fish Lake settlement; another was of a sister of Täl-la-häs-ke; and the last was of a child, at Cow Creek settlement. At the Big Cypress Swamp settlement I was assured that no deaths had occurred either there or at Miami during the year. On the contrary, however, I was told by some white people at Miami that several children had died at the Indian camp near there in the year past. Täl-la-häs-ke said to me, "Twenty moons ago, heap pickaninnies die!" And I was informed by others that about two years before there had been considerable fatality among children, as the consequence of a sort of epidemic at one of the northern camps. Admitting the correctness of these reports, I have no reason to modify my general statement that the health of the Seminole is good and that they are certainly increasing their number. Their appearance indicates excellent health and their environment is in their favor.

CHAPTER IV.

ENVIRONMENT OF THE SEMINOLE.

NATURE.

Southern Florida, the region to which most of the Seminole have been driven by the advances of civilization, is, taken all in all, unlike any other part of our country. In climate it is subtropical; in character of soil it shows a contrast of comparative barrenness and abounding fertility; and in topography it is a plain, with hardly any perceptible natural elevations or depressions. The following description, based upon the notes of my journey to the Big Cypress Swamp, indicates the character of the country generally. I left Myers, on the Caloosahatchie River, a small settlement composed principally of cattlemen, one morning in the month of February. Even in February the sun was so hot that clothing was a burden. As we started upon our journey, which was to be for a distance of sixty miles or more, my attention was called to the fact that the harness of the horse attached to my buggy was without the breeching. I was told that this part of the harness would not be needed, so level should we find the country. Our way, soon after leaving the main street of Myers, entered pine woods. The soil across which we traveled at first was a dry, dazzling white sand, over which was scattered a growth of dwarf palmetto. The pine trees were not near enough together to shade us from the fierce sun. This sparseness of growth, and comparative absence of shade, is one marked characteristic of Florida's pine woods. Through this thin forest we drove all the day. The monotonous scenery was unchanged except that at a short distance from Myers it was broken by swamps and ponds. So far as the appearance of the country around us indicated, we could not tell whether we were two miles or twenty from our starting point. Nearly half our way during the first day lay through water, and yet we were in the midst of what is called the winter "dry season." The water took the shape here of a swamp and there of a pond, but where the swamp or the pond began or ended it was scarcely possible to tell. one passed by almost imperceptible degrees from dry land to moist and from moist land into pool or marsh. Generally, however, the swamps were filled with a growth of cypress trees. These cypress groups were well defined in the pine woods by the closeness of their growth and the sharpness of the boundary of the clusters. Usually, too, the cypress swamps were surrounded by rims of water grasses. Six miles from Myers we crossed a cypress swamp, in which the water at its greatest depth was from one foot to two feet deep. A wagon road had

been cut through the dense growth of trees, and the trees were covered with hanging mosses and air plants.

The ponds differed from the swamps only in being treeless. They are open sheets of water surrounded by bands of greater or less width of tall grasses. The third day, between 30 and 40 miles from Myers, we left the pine tree lands and started across what are called in Southern Florida the "prairies." These are wide stretches covered with grass and with scrub palmetto and dotted at near intervals with what are called pine "islands" or "hammocks" and cypress swamps. The pine island or hammock is a slight elevation of the soil, rising a few inches above the dead level. The cypress swamp, on the contrary, seems to have its origin only in a slight depression in the plain. Where there is a ring of slight depression, inclosing a slight elevation, there is generally a combination of cypress and pine and oak growth. For perhaps 15 miles we traveled that third day over this expanse of grass; most of the way we were in water, among pine islands, skirting cypress swamps and saw-grass marshes, and being jolted through thick clumps of scrub palmetto. Before nightfall we reached the district occupied by the Indians, passing there into what is called the "Bad Country," an immense expanse of submerged land, with here and there islands rising from it, as from the drier prairies. We had a weird ride that afternoon and night: Now we passed through saw-grass 5 or 6 feet high and were in water 6 to 20 inches in depth; then we encircled some impenetrable jungle of vines and trees, and again we took our way out upon a vast expanse of water and grass. At but one place in a distance of several miles was it dry enough for one to step upon the ground without wetting the feet. We reached that place at nightfall, but found no wood there for making a fire. We were 4 miles then from any good camping ground. Captain Hendry asked our Indian companion whether he could take us through the darkness to a place called the "Buck Pens." Ko-nip-ha-tco said he could. Under his guidance we started in the twilight, the sky covered with clouds. The night which followed was starless, and soon we were splashing through a country which, to my eyes, was trackless. There were visible to me no landmarks. But our Indian, following a trail made by his own people, about nine o'clock brought us to the object of our search. A black mass suddenly appeared in the darkness. It was the pine island we were seeking, the "Buck Pens."

On our journey that day we had crossed a stream, so called, the Ak-ho-lo-wa-koo-tci. So level is the country, however, and so sluggish the flow of water there that this river, where we crossed it, was more like a swamp than a stream. Indeed, in Southern Florida the streams, for a long distance from what would be called their sources, are more a succession of swamps than well defined currents confined to channels by banks. They have no real shores until they are well on their way towards the ocean.

Beyond the point I reached, on the edge of the Big Cypress Swamp,

lie the Everglades proper, a wide district with only deeper water and better defined islands than those which mark the "Bad Country" and the "Devil's Garden" I had entered.

The description I have given refers to that part of the State of Florida lying south of the Caloosahatchee River. It is in this watery prairie and Everglade region that we find the immediate environment of most of the Seminole Indians. Of the surroundings of the Seminole north of the Caloosahatchee there is but little to say in modification of what has already been said. Near the Fish Eating Creek settlement there is a somewhat drier prairie land than that which I have just described. The range of barren sand hills which extends from the north along the middle of Florida to the headwaters of the Kissimmee River ends at Cat Fish Lake. Excepting these modifications, the topography of the whole Indian country of Florida is substantially the same as that which we traversed on the way from Myers into the Big Cypress Swamp and the Everglades.

Over this wide and seeming level of land and water, as I have said, there is a subtropical climate. I visited the Seminole in midwinter; yet, for all that my northern senses could discover, we were in the midst of summer. The few deciduous trees there were having a midyear pause, but trees with dense foliage, flowers, fruit, and growing grass were to be seen everywhere. The temperature was that of a northern June. By night we made our beds on the ground without discomfort from cold, and by day we were under the heat of a summer sun. There was certainly nothing in the climate to make one feel the need of more clothing or shelter than would protect from excessive heat or rain.

Then the abundance of food, both animal and vegetable, obtainable in that region seemed to me to do away with the necessity, on the part of the people living there, for a struggle for existence. As I have already stated, the soil is quite barren over a large part of the district; but, on the other hand, there is also in many places a fertility of soil that cannot be surpassed. Plantings are followed by superabundant harvests, and the hunter is richly rewarded. But I need not repeat what has already been said; it suffices to note that the natural environment of the Seminole is such that ordinary effort serves to supply them, physically, with more than they need.

MAN.

When we consider, in connection with these facts, what I have also before said, that these Indians are in no exceptional danger from wild animals or poisonous reptiles, that they need not specially guard against epidemic disease, and when we remember that they are native to whatever influences might affect injuriously persons from other parts of the country, we can easily see how much more favorably situated for physical prosperity they are than others of their kind. In fact, nature has made physical life so easy to them that their great danger lies in the

possible want or decadence of the moral strength needed to maintain them in a vigorous use of their powers. This moral strength to some degree they have, but in large measure it had its origin in and has been preserved by their struggles with man rather than with nature. The wars of their ancestors, extending over nearly two centuries, did the most to make them the brave and proud people they are. It is through the effects of these chiefly that they have been kept from becoming indolent and effeminate. They are now strong, fearless, haughty, and independent. But the near future is to initiate a new epoch in their history, an era in which their career may be the reverse of what it has been. Man is becoming a factor of new importance in their environment. The moving lines of the white population are closing in upon the land of the Seminole. There is no farther retreat to which they can go. It is their impulse to resist the intruders, but some of them are at last becoming wise enough to know that they cannot contend successfully with the white man. It is possible that even their few warriors may make an effort to stay the oncoming hosts, but ultimately they will either perish in the futile attempt or they will have to submit to a civilization which, until now, they have been able to repel and whose injurious accompaniments may degrade and destroy them. Hitherto the white man's influence has been comparatively of no effect except in arousing in the Indian his more violent passions and in exciting him to open hostility. For more than three centuries the European has been face to face with the Florida Indian and the two have never really been friends. Through the seventeenth and eighteenth centuries the peninsula was the scene of frequently renewed warfare. Spaniard, Frenchman, Englishman, and Spaniard, in turn, kept the country in an unsettled state, and when the American Union received the province from Spain, sixty years ago, it received with it, in the tribe of the Seminole, an embittered and determined race of hostile subjects. This people our Government has never been able to conciliate or to conquer. A different Indian policy, or a different administration of it, might have prevented the disastrous wars of the last half century; but, as all know, the Seminole have always lived within our borders as aliens. It is only of late years, and through natural necessities, that any friendly intercourse of white man and Indian has been secured. The Indian has become too weak to contend successfully against his neighbor and the white man has learned enough to refrain from arousing the vindictiveness of the savage. The few white men now on the border line in Florida are, with only some exceptions, cattle dealers or traders seeking barter with the red men. The cattlemen sometimes meet the Indians on the prairies and are friendly with them for the sake of their stock, which often strays into the Seminole country. The other places of contact of the whites and Seminole are the settlements of Myers, Miami, Bartow, Fort Meade, and Tampa, all, however, centers of comparatively small population. To these places, at infrequent intervals, the Indians go for purposes of trade.

The Indians have appropriated for their service some of the products of European civilization, such as weapons, implements, domestic utensils, fabrics for clothing, &c. Mentally, excepting a few religious ideas which they received long ago from the teaching of Spanish missionaries and, in the southern settlements, excepting some few Spanish words, the Seminole have accepted and appropriated practically nothing from the white man. The two peoples remain, as they always have been, separate and independent. Up to the present, therefore, the human environment has had no effect upon the Indians aside from that which has just been noticed, except to arouse them to war and to produce among them war's consequences.

But soon a great and rapid change must take place. The large immigration of a white population into Florida, and especially the attempts at present being made to drain Lake Okeechobee and the Everglades, make it certain, as I have said, that the Seminole is about to enter a future unlike any past he has known. But now that new factors are beginning to direct his career, now that he can no longer retreat, now that he can no longer successfully contend, now that he is to be forced into close, unavoidable contact with men he has known only as enemies, what will he become? If we anger him, he still can do much harm before we can conquer him; but if we seek, by a proper policy, to do him justice, he yet may be made our friend and ally. Already, to the dislike of the old men of the tribe, some young braves show a willingness to break down the ancient barriers between them and our people, and I believe it possible that with encouragement, at a time not far distant, all these Indians may become our friends, forgetting their tragic past in a peaceful and prosperous future.

SMITHSONIAN INSTITUTION——BUREAU OF ETHNOLOGY

THE RELIGIOUS LIFE OF THE ZUÑI CHILD.

BY

MRS. TILLY E. STEVENSON.

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THE RELIGIOUS LIFE OF THE ZUÑI CHILD.

By Mrs. Tilly E. Stevenson.

BRIEF ACCOUNT OF ZUÑI MYTHOLOGY.

The Pueblo of Zuñi is situated in Western New Mexico on the Rio Zuñi, a tributary of the Little Colorado River. The Zuñi have resided in this region for several centuries. The peculiar geologic and geographic character of the country surrounding them, as well as its aridity, furnishes ample sources from which a barbarous people would derive legendary and mythologic history. A brief reference to these features is necessary to understand more fully the religious phases of Zuñi child life.

Three miles east of the Pueblo of Zuñi is a conspicuously beautiful mesa, of red and white sandstone, tō-wā-yäl län-ne (corn mountain). Upon this mesa are the remains of the old village of Zuñi. The Zuñi lived during a long period on this mesa, and it was here that Coronado found them in the sixteenth century. Tradition tells that they were driven by a great flood from the site they now occupy, which is in the valley below the mesa, and that they resorted to the mesa for protection from the rising waters. The waters rose to the very summit of the mesa, and to appease the aggressive element a human sacrifice was necessary. A youth and a maiden, son and daughter of two priests, were thrown into this ocean. Two great pinnacles, which have been carved from the main mesa by weathering influences, are looked upon by the Zuñi as the actual youth and maiden converted into stone, and are appealed to as "father" and "mother." Many of the Zuñi legends and superstitions are associated with this mesa, while over its summit are spread the extensive ruins of the long ago deserted village. There are in many localities, around its precipitous sides and walls, shrines and groups of sacred objects which are constantly resorted to by different orders of the tribe. Some of the most interesting of these are the most inaccessible. When easy of approach they are in such secluded spots that a stranger might pass without dreaming of the treasures within his reach. On the western side of this mesa are several especially interesting shrines. About half way up the acclivity on the west side an overhanging rock forms the base of one of the pinnacles referred to. This rock is literally honeycombed with holes, from

one-half to three-fourths of an inch in diameter. I visited the spot in the fall of 1884, with Professors E. B. Tylor and H. N. Moseley, of Oxford, England, and Mr. G. K. Gilbert, of the United States Geological Survey. These gentlemen could not determine whether the tiny excavations were originally made by human hands or by some other agency. The Indian's only answer when questioned was, "They belong to the old; they were made by the gods." Hundreds of these holes contain bits of cotton and wool from garments. In the side of this rock there are larger spaces, in which miniature vases, filled with sand, are placed. The sand is ground by rubbing stones from the same rock. The vases of sand, and also the fragments of wool and cotton, are offerings at the feet of the "mother" rock. Here, too, can be seen a quantity of firewood heaped as shown in the right-hand corner of the illustration. Each man and woman deposited a piece, that he or she might always have plenty of wood for heat and light. Some three hundred feet above is another shrine, directly attached to the "father" rock, and to the white man difficult of access. Here I found many offerings of plume sticks (Tē-līk-tkī-nā-we).

Before entering upon the purely mythologic phases of Zuñi child life I will present a brief sketch of some of the Zuñi beliefs. There are thirteen secret orders in Zuñi, in many of which women and children are conspicuous, besides the purely mythologic order of the Kōk-kō. All boys are initiated into this order, while but few girls enter it. It is optional with a girl; she must never marry if she joins the Kōk-kō, and she is not requested to enter this order until she has arrived at such age as to fully understand its grave responsibilities and requirements.

Let us follow the Zuñi tradition of the ancient time, when these people first came to this world. In journeying hither they passed through four worlds, all in the interior of this, the passageway from darkness into light being through a large reed. From the inner world they were led by the two little war gods Āh-ai-ū-ta and Mā-ā-sē-we, twin brothers, sons of the Sun, who were sent by the Sun to bring these people to his presence. They reached this world in early morning, and seeing the morning star they rejoiced and said to the war gods: "We see your father, of whom you have told us." "No," said the gods, "this is the warrior who comes before our father;" and when the sun arose the people fell upon the earth and bowed their heads in fear. All their traditions point to the distant land of their appearance in this world as being in the far northwest; from there they were acccompanied by Āh-ai-ū-ta and Mā-ā-sē-we. These little gods occupy important positions in Zuñi myth and legend. After long journeying, it was decided that the Priest Doctor (Kā-wi-mō-sā) should send his son and his daughter in advance to discover some favorable spot upon which to build a village. The youth and the maiden finally ascended a peak from which to have an extended view of the country. "Rest here, my sister, for you are tired," said the youth, "and I will go alone." From fatigue, the girl soon sank

into a slumber, and when the youth returned he was impressed with the surpassing loveliness of his sister. They remained for a time on this mountain, and at their union they were transformed—the youth into a hideous looking creature, the Kō-yē-mē-shi (Plate XX); the ma den into a being with snow white hair, the Kō-mō-kĕt-si. The ᵗKō-thlā-ma (hermaphrodite) is the offspring of this unnatural union. The youth said to his sister, "We are no longer like our people; we will therefore make this mountain our home. But it is not well for us to be alone; wait here and I will go and prepare a place for our others." Descending the mountain, he swept his foot through the sands in the plains below, and immediately a river flowed and a lake appeared, and in the depths of this lake a group of houses, and in the center of this group a religious assembly house, or kiva, provided with many windows, through which those not privileged to enter the kiva might view the dance within. After he performed this magic deed, he again joined his sister on the mountain, from which they could see their people approaching. The mountain has since that time borne the name of Kō-kōk-shi—kōk-shi meaning good.

The first of the Āh-shi-wi, or Zuñi, to cross this river were the Än-shi-i-que, or Bear gens; Tō-wā-que, Corn gens; and ᵗKo-ōh-lōk-tā-que, Sand Hill Crane gens. When in the middle of the river the children of these gentes were transformed into tortoises, frogs, snakes, ducks, and dragon-flies. The children thus transformed, while tightly clinging to their mother's necks, began to bite and pinch. The mothers, trembling with fear, let them fall into the river. Āh-ai-ū-ta and Mā-ā sē-we, missing the children, inquired, "Where are the little ones?" The mothers replied, "We were afraid and dropped them into the water." The war gods then cried out to the remainder of the people, "Wait, wait until we speak with you," and they told the women to be brave and cling tightly to the children until they crossed the river. Obeying the gods' commands, they carried the little ones over, though they were transformed just as the others. Upon reaching the opposite shore, they were again restored to their natural forms, excepting their hands, which were duck-webbed. These webs were cut with Āh-ai-ū-ta's stone knife and thus restored to perfect hands.

The mothers whose children fell into the waters were grieved and refused to be comforted. The Priest Doctor was also grieved, and said, "Alas, where have the little ones gone?" Āh-ai-ū-ta and Mā-ā-sē-we replied, "We will go and learn something of them," and upon descending into the lake they found the beautiful kiva, in which the children were assembled; but again they had been changed; they were no longer reptiles, but were of a similar type to the Kō-yē-mē-shi and Kō-mō-kĕt-si, and since that time they have been worshiped as ancestral gods, bearing the name of Kōk-kō; but the little war gods knew them, and addressed them as "My children," and they replied, "Sit down and tell us of our mothers." When they told them that their

mothers refused to be comforted at their loss, they said, "Tell our mothers we are not dead, but live and sing in this beautiful place, which is the home for them when they sleep. They will wake here and be always happy. And we are here to intercede with the Sun, our father, that he may give to our people rain, and the fruits of the earth, and all that is good for them." The Āh-shi-wi then journeyed on, led by Āh-ai-ū-ta and Mā-ā-sē-we, to the present site of Zuñi. Many, however, lingered at a spring some fifteen miles west of Zuñi, and there established the village Tkāp-quē-nā (Hot Spring).

The Kō-yē-mē-shi and Kō-mō-kĕt-si passed down through the interior of the mountain into the depths of the lake, the waters of everlasting happiness. In the passageway are four chambers, where the couple tarried on their way and where at the present time the two priests of the Kōk-kō rest in their journey to the sacred waters. So credulous are the people that the priests delude them into the belief that they actually pass through the mountain to the lake.

Having heard of the wonderful cave in this mountain, our little party visited the place, prepared to explore it. Mr. Stevenson and Mr. H. L. Turner entered the fissure in the rock and squeezed through the crevice for sixteen or eighteen feet to where the rock was so solid that they both determined no human creature could penetrate farther. They examined the place most carefully by means of an artificial light. Through a small aperture stones could be thrown to a depth from which no sound returned, but excepting this solitary opening all was solid, immovable rock. In this cave many plume sticks were gathered. Near the opening of the cave, or fissure, is a shrine to the Kōk-kō, which must be very old, and over and around it are hundreds of the plume sticks and turquoise and shell beads.

I would mention here a little incident illustrative of the superstitious dread these Indians entertain of violating the priestly commands. We found it very difficult to persuade an old Zuñi guide, who had visited the sacred salt lake, the mountain of the war gods, and other places of interest with us (to these he had gone by special permission of the High Priest), to accompany us to the spirit lake and the mountain of the Kōk-kō. Our persuasive powers were almost exhausted ere we could induce him to guide us to them, but having consented he was willing to go even if he should be punished by death. He was a man renowned for bravery, but he was so overcome by his superstitious fears that his voice sank to a whisper and finally became scarcely audible. The morning of the day on which we reached this place, the old man, who had been riding by my side, ahead of the rest of the party, suddenly halted and said in a half-angry voice, "Why do I go ahead? I am not the chief of this party. Those who belong at the head must go to the head." And he would not move until Mr. Stevenson and I went in advance. By this change he sought to transfer the responsibility to us. Finally he rode up to us and said in a whisper, "We will camp here." The

whole expression of the old man's face was that of ghastly terror. I was much annoyed, for I thought that, at the eleventh hour, his fear had overcome his desire to gratify us. Just then a Mexican lad on horseback approached; we were all mounted. I asked the lad, "Is there a lake near by?" He replied, "Yes, a half a mile off." The old Indian said, speaking in a whisper, "And you have seen it?" "Yes." "And you were not afraid?" "No; why afraid?" "And you looked into the waters and you did not die?" With a look of bewilderment the youth rode off. I signaled to the old man to accompany us to the lake. "No, no; I would only die, and you must not go or you will die." "No," said I, "we will not die if our hearts are good, and if you will not go it is because your heart is not good and you are afraid."

We found the lake so surrounded by marshes that we could not get within an eighth of a mile of the waters. One of our party attempted to reach it on foot, but could get very little nearer. We made a circuit of the lake along the slightly elevated ground and could distinctly see it.

On completing the circle a striking picture met our eyes. Boldly outlined by the setting sun stood the old man, his hair blown by the evening breeze, for he had bared his head of the usual kerchief worn around it, and, with his hand holding the sacred meal extended toward the glorious sunset, he stood repeating a prayer. We halted, and he continued his prayer, wholly unconscious of our presence; as he turned we surprised him. I extended my hand and said, "Now I am happy, for you are again brave and strong." "Yes," said he, "my heart is glad. I have looked into the waters of my departed people. I am alive, but I may die; if I die it is well; my heart is glad." From that moment the gloom was gone and he was bright and happy. We could not induce the old man to ascend the mountain of the Kōk-kō with us, as none go there except certain priests; but the lake is visited by those who are designated by these priests.

Several days were consumed by us in exploring this immediate vicinity. On breaking camp, our old Indian guide seemed determined to tarry behind. I remained with him. As the party rode off he took a large quantity of food which he had carefully stored away behind a tree—he having observed an almost absolute fast in order to make a large offering to the spirits of the departed—and heaped this food upon the embers of the camp fire, by the side of which he stood for a long time, supplicating in a most solemn manner the spirits of the departed to receive his offering.

Certain men are selected, who, with bodies nude save the loin skirt and with bare feet, walk from Zuñi to the lake, a distance of 45 miles, exposed to the scorching rays of the summer sun, to deposit plume sticks and pray for rain. If the hearts of those sent be pure and good, the clouds will gather and rain will fall, but if evil be in their hearts no rain will fall during the journey and they return with parched lips

and blistered skin. The Kōk-kō repeat the prayers for rain with their intercessions to the Yä-tō-tka, the Sun, and by them the plume sticks are sent to the same great god. So constantly are the lesser gods employed in offering plumes to the great god that at night the sacred road (the Galaxy) can be seen filled with feathers, though by day they are invisible. They believe that the soul or essence of the plumes travels over this road, just as the soul from the body travels from Zuñi to the spirit lake, and in their offerings of food the food itself is not received by the gods, but the spiritual essence of the food.

One of the most important characters in Zuñi mythology, the Käk-lō, finding himself alone in the far Northwest, saw many roads, but could not tell which one led to his people, and he wept bitterly. The tear marks are still to be seen on the Käk-lō's face. A duck, hearing some one's cries, appeared and inquired the cause of the trouble. "I wish to go to my people, but the roads are many, and I do not know the right one." The sagacious duck replied, "I know all roads, and I will lead you to your people." Having led the Käk-lō to the spirit lake, he said, "Here is the home of the Kōk-kō; I will guide you to the kiva and open for you the door." After entering the kiva the Käk-lō viewed all those assembled and said, "Let me see; are all my people here? No; the Kō-lō-oo-wĭt-si (plumed serpent) is not here; he must come," and two of the Kōk-kō (the Soot-īke) were dispatched for him. This curious creature is the mythical plumed serpent whose home is in a hot spring not distant from the village of Tkāp-quē-nā, and at all times his voice is to be heard in the depths of this boiling water.

In the days of the old, a young maiden, strolling along, saw a beautiful little baby boy bathing in the waters of this spring; she was so pleased with his beauty that she took him home and told her mother that she had found a lovely little boy. The mother's heart told her it was not a child really, and so she said to the daughter; but the daughter insisted that she would keep the baby for her own. She wrapped it carefully in cotton cloth and went to sleep with it in her arms. In the morning, the mother, wondering at her daughter's absence, sent a second daughter to call her. Upon entering the room where the girl had gone to sleep she was found with a great serpent coiled round and round her body. The parents were summoned, and they said, "This is some god, my daughter; you must take him back to his waters," and the maiden followed the serpent to the hot spring, sprinkling him all the while with sacred meal. Upon reaching the spring the serpent entered it, the maiden following, and she became the wife of the Kō-lō-oo-wĭt-si.

The Kō lō-oo-wĭt-si soon appeared with the two Soot-īke who had been dispatched for him. They did not travel upon the earth, but by the underground waters that pass from the spring to the spirit lake. Upon the arrival of the Kō lō-oo-wĭt-si, the Käk-lō issued to this assemblage his commands, for he is the great father of the Kōk-kō. Those who were to go to the North, West, South, East, to the Heavens, and to the

Earth to procure cereals for the Āh-shi-wi he designated as the Sä-lä-mō-bī-ya. Previous to this time the Āh-shi-wi had subsisted on seeds of a grass. "When the seeds are gathered," he said, addressing the serpent, "you will carry them with water to the Āh-shi-wi and tell them what to do with the seeds. I will go in advance and prepare them for your coming." "But," said his people, "you are our father; you must not walk," and the ten Kō-yē-mē-shi accompanied him, carrying him on their backs, relieving each other when fatigued. The Käk-lō visited the Āh-shi-wi nine days in advance of the Sä-lä-mō-bī-ya and Kō-lō-oo-wĭt-si, instructing the people regarding the Kōk-kō, how they must represent them in the future and hold their ceremonials, and telling them that the boys must be made members of the Kōk-kō, and that this particular ceremony must occur but once in four years. He also gave to the people the history of himself, how the duck had befriended him and led him to the home of his people.

BIRTH CUSTOMS.

Having now briefly sketched the mythology relating to the ceremonials to be described, I invite your attention to the main subject of the present paper: the Religious Life of the Zuñi Child.

First we will notice the birth customs.

Zuñi child life may be divided into two parts. One I will call the practical or domestic; the other, the mythologic or religious. The former is fairly exemplified in the habits, customs, games, and experiences of our own domestic child life. The other is essentially different; in it are involved the ceremonials, legends, and myths which surround the Zuñi child from its birth.

Previous to the birth of a child, if a daughter be desired, the husband and wife proceed together to the "mother" rock, and at her feet make offerings and prayers, imploring her to intercede with the great father, the Sun, to give to them a daughter, and that this daughter may grow to be all that is good in woman; that she may be endowed with the power of weaving beautifully and may be skilled in the potter's art. Should a son be desired, the couple repair to the shrine above, and here, at the breast and heart of the "father" rock, prayers and plume sticks are offered that a son may be given them, and that he may have power to conquer his enemies, and that he may become distinguished in the Kōk-kō and other orders, and have power over the field to produce abundant crops. In both cases the sacred meal is sprinkled, and, should the prayer not be answered, there is no doubt that the heart of one or the other was not earnest when the prayer was offered.

The Zuñi child is born amid ceremony. At its birth only the maternal grandmother and two female doctors are present. After the birth of the child, the paternal grandmother enters, bearing as offerings to the new born babe a large pottery bowl and inside of it a tiny blanket. She then prepares warm suds of yucca root in the bowl, in which she bathes

the infant, at the same time repeating a prayer of thanks for the life that has been given them and praying for the future of the child. She then rubs the entire body of the child, except the head, with warm ashes held in the palm of the hand and moistened with water. This process is repeated every morning during infancy and the same paste is put upon the face of the child until it is several years old. I would remark that this paste is seldom noticed upon the older children because it is put on in the morning and drying soon is brushed off by the child. It is asserted by the Zuñi that in four days after the birth of a child the first skin is removed by exfoliation and is supplanted by a new one. After applying the ashes, the paternal grandmother places the infant in the arms of the maternal grandparent, who performs other offices for the little one and wraps it in a piece of cotton cloth. The paternal grandmother prepares a bed of warm sand by the right side of the mother (leaving a cool spot for the child's head); she then receives the infant and lays it upon its bed, and over it she arranges the little blanket which she brought; she then places upon the sand and at the right side of the child an ear of white corn; if the child be a girl, the mother, or a three-plumule, corn is selected; if a boy, the father, or single ear, corn. The fourth day after the birth the child is again bathed in the yucca root suds by the same grandmother, who again repeats a long prayer. During the first ten days of the child's life the paternal grandmother remains in the daughter-in-law's house, looking after the mother and helping in the preparation of the feast that is to occur. On the morning of the tenth day the child is taken from its bed of sand, to which it is never to return, and upon the left arm of the paternal grandmother it is carried for the first time into the presence of the rising sun. To the breast of the child the grandmother carrying it presses the ear of corn which lay by its side during the ten days; to her left the mother of the infant walks, carrying in her left hand the ear of corn which lay by her side. Both women sprinkle a line of sacred meal, emblematic of the straight road which the child must follow to win the favor of its gods. Thus the first object which the child is made to behold at the very dawn of its existence is the sun, the great object of their worship; and long ere the little lips can lisp a prayer it is repeated for it by the grandmother.

The Zuñi are polytheists; yet, while they have a plurality of gods, many of whom are the spirits of their ancestors, these gods are but mediums through which to reach their one great father of all—the Sun.

Returning to the house, the paternal grandmother again bathes the child in yucca suds; then, for the first time, the little one is put into the cradle. The baby's arms are placed straight by its sides, and in this position it is so strapped in its cradle that it cannot even move a hand. These cradles have hood-shaped tops, and over the whole thick coverings are placed, so that the wonder is the child does not smother. The cradle is usually deposited in some safe corner, and the baby is left

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2 PĀ OO-TĪ-WA. 1 KŌ YĒ ME SHI 3 SAI Ā HLI A.

ZUÑI MASKS AND KŌ-YĒ-MĒ-SHI.

to sleep or amuse itself with its infantine thoughts. The cradle is sometimes attached to two ropes to form a swing, and when the mother becomes conscious of the child's awakening she uncovers its head at times and the tiny thing casts its eyes around. On the tenth morning both parents of the child are bathed in suds of yucca, the whole body of the mother but only the head of the father. This office is also performed by the paternal grandmother. The immediate blood relations (female only) then assemble at the infant's home; that is, all the household of the father's house and those of the mother's house. Each woman from the father's house brings to the baby a gift of a little blanket. This select gathering partakes of a feast, which is presided over by the maternal grandmother. At the close of the feast the infant is carried by the oldest sister of the father to the paternal grandmother's house, where it is presented to the paternal grandfather, who prays to the Sun (Yä-tō tka) to send down blessings upon the child.

INVOLUNTARY INITIATION INTO THE KŌK-KŌ.

The present ceremonials are in direct obedience to the orders and instructions given at the time of the appearance of the Kōk-kō upon the earth, and their masks are counterparts of the original or spiritual Kōk-kō (Plate XX). The Käk-lō rides, as of old, upon the backs of the Kō-yē-mē-shi, and he is the heralder for the coming of the Kō-lō-oo-wĭt-si. Arriving at the village in the morning, he divides his time between the kivas, there being six of these religious houses in Zuñi, one for each of the cardinal points, one for the zenith, and one for the nadir. In each of these kivas he issues to the people assembled the commands of the Kōk-kō and gives the history of the Käk-lō and the gathering of the cereals of the earth by the Sä-lä-mō-bī-ya. At sunrise he is gone. The morning after the arrival of the Käk-lō, those who are to represent the Kōk-kō prepare plume sticks, and in the middle of the same day these are planted in the earth. The same night they repair to their respective kivas, where they spend the following eight nights, not looking upon the face of a woman during that period. Each night is spent in smoking and talking and rehearsing for the coming ceremony. The second day all go for wood, bringing it home on their backs, for so the ancients did when beasts of burden were unknown to them. The third day is also spent in gathering wood, and the fourth day likewise. On the same day the ten men who are to personate the Kō-yē-mē-shi, in company with the ᵗSī-ᵗsī-ᵗki (great-grandfather of the Kō-yē-mē-shi), pass through the village, inquiring for the boys who are to be initiated; before such houses as have boys ready for this ceremonial these men assemble; one of them enters the house and, greeting the mother of the boy with "Good morning," inquires the name of her son. She replies: "He has no name," and requests the Kō-yē-mē-shi to give him one. The man then joins the group, repeating the words of the woman. In passing from the kiva through the village the Indian screens his

face with a blanket, so as not to see the women as he passes. On the fifth day they go on a rabbit hunt, the capture of but one rabbit being necessary. The rabbit is carried to the He-i-i-que (or Kiva of the North) by the ᵗSī-ᵗsī-ᵗki, who, after skinning the rabbit, fills the skin with cedar bark; a pinch of meal is placed for the heart and the eye sockets are filled with mica; a hollow reed is passed through the inside filling to the mouth. The sixth day the inmates of the kivas again go for wood; the seventh day large Tē-līk-tkī-nā-we are made of eagle plumes; the eighth day is consumed in decorating the masks to be worn. As these people have not the art of mixing their pigments so as to be permanent, masks and altars have to be freshly decorated before using; and, when the masks are completely decorated, they, with the other paraphernalia, are carried on the same day by the men and youths who have to wear them to some secluded nooks among the rocks, a distance from the town, where they put them on, returning to the village by early moonlight.

The impressive ceremonial of initiating the youth into the order of the Kōk-kō occurs but once in four years. No male child above the age of four years may, after death, enter the Kiva of the Kōk-kō unless he has received the sacred breath of the Kōk-kō. Those who personate the Kōk-kō are endowed for the time being with their actual breath. Besides the Sä-lä-mō-bī-ya of the North, West, South, East, Heavens, and Earth, and a number of younger brothers who appear on this occasion, there are Pā-oo-tī-wa (Plate XX), father of the Sun, ten Kō-yē-mē-shi, and the Kō-lō-oo-wĭt-si.

The Sä-lä-mō-bī-ya of the North wear yellow (hlūp-si-na) masks; those from the West, blue (hli-än-na); those from the South, red (shi-lō-ā); those from the East, white (kō-hān); those from the Heavens, all colors (Ī-tō-pō-nän-ni); those from the Earth, black (quin-nā). (Plate XXI.) These colors represent the cardinal points, the zenith, and the nadir:

North.	Yellow.	Hlūp-si-na.
West.	Blue.	Hli-än-na.
South.	Red.	Shi-lō-ā.
East.	White.	Kō-hān.
Heavens.	All colors.	Ī-tō-pō-nän-ni.
Earth.	Black.	Quin-nā.

They come after sundown to the village. The serpent, made of hide, is about twelve feet long and eighteen inches through the thickest part of the body. The abdomen is painted white, the back black, covered with white stars, which are represented by a kind of semicircle, an entirely conventional design. The neck rests through a finely decorated kind of altar carried by the two Soot-ĭke. The tail end of the fetich is held by the priest of the Kō-lō-oo-wĭt-si, who constantly blows through a large shell which he carries in the right hand, holding the serpent with the left. The Kōk-kō pass through the town and visit each kiva; they put the head of the serpent through the hatchway, that those who are

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1 NORTH.
4 EAST

2 WEST.
5 HEAVENS.

3 SOUTH.
6 EARTH

GROUP OF SÄ-LÄ-MO BI-YA MASKS.

privileged to assemble in the kivas may see the fetich. The Kō-lō-oo-wĭt-si is then taken to the Kiva of the Earth, Hē-tkā-pa-que. The walls of this kiva are decorated with two Kō-lō-oo-wĭt-si, which extend almost around the entire walls of the room, the heads nearly meeting at the north end of the room. The fetich is placed between the heads. The others of the Kōk-kō repair to their respective kivas, the Hē-i-i-que or Kiva of the North, the Moo-hē-i-que or Kiva of the West, the Choo-pā-ä-que or Kiva of the South, the Ōh-hē-i-que or Kiva of the East, and the Oop-tsān-ā-ā-que or Kiva of the Heavens. From each of these kivas men and youths from the secret orders to which I have referred are assembled to receive the Kōk-kō. When all the Kōk-kō have gone to their kivas, the ten Kō-yē-mē-shi, who reach the village after the others, go to their house, which is not one of the sacred assembly houses, but chosen from among the Sūs-ki-i-que, or people of the Wolf gens.

The Kōk-kō sing and dance in their own kivas, then change about, those of the North passing to the West and those of the West going to the South, and so on. This is continuous until the first white streak warns them that day is approaching. At this time the head of the Kō-lō-oo-wĭt-si is put through the opening in the side wall of the kiva, when all who choose may look upon it. Behind this creature the old priest stands and blows through the body, making the same peculiar noise, representing the roaring of a sea monster, that he has kept up throughout the night. The image is only seen by the uncertain light of the faintest impression of day. Pā-oo-tī-wa remains with the Kō-lō-oo-wĭt-si in the Kiva of the Earth. At sunrise the Sä lä-mō bī-ya go to this kiva, each bearing the plume stick made on the sixth day and an ear of corn. The Sä-lä-mō-bī-ya of the North first advances to the priest of the Kō-lō-oo-wĭt-si and, presenting him with the plumes and ear of yellow corn, prays that the Kō-lō-oo-wĭt-si will give to his people the seeds of the earth; the Sä-lä-mō-bī-ya of the West next approaches, presenting his wand and an ear of blue corn, praying that the Kō-lō-oo-wĭt-si will bring to his people the seeds of the earth; and so the red corn of the South, the white of the East, the all-color of the Heavens and the black of the Earth are presented with the same prayer. The Sä-lä-mō-bī-ya remove their masks after entering the kiva, when they immediately lose their identity as the Kōk-kō. They are merely men now, praying to the Kōk-kō. This ceremony over, they return to their respective kivas, having put on their masks before leaving the Kiva of the Earth.

At this time the ^{t}Sī-^{t}sī-^{t}ki partially ascends the ladder of the Kiva of the North, remaining just inside of the hatchway, and, holding the rabbit to his mouth, calls through the reed: "Your little grandfather is hungry; he wishes something to eat; bring him some stewed meat." The Kō-yē-mē-shi, in obedience to the request of the little grandfather, go to the homes of the children to be initiated, calling for food. At the same time the Kō-yē-mē-shi give to each novitiate his name. Previous

to this the boy is designated as baby boy, younger boy, older boy, &c. The food is received by the Kō-yē-mē-shi and taken to the Kiva of the North, where it is divided and carried to the different kivas. For this occasion the native beans are prepared. There is as great a variety of color in these as in the corn. The yellow beans are carried to the Kiva of the North, the blue beans to the Kiva of the West, the red to the Kiva of the South, the white to the Kiva of the East, the all-color to the Kiva of the Heavens, the black to the Kiva of the Earth. A sumptuous meal is now served in each of the kivas.

After this meal the Kōk-kō begin their bodily decorations, with their bodies almost nude. Those of the North are painted yellow; those of the West, blue; those of the South, red; those of the East, white; those of the Heavens, all colors on the body and yellow on the neck and upper arms; those of the Earth, black, with some bits of color. This done, the Sä-lä-mō-bī-ya of the North passes through the village and, going for a short distance to the north, deposits a plume stick, the stick to which the plumes are attached being painted yellow. The Sä-lä-mō-bī-ya of the West, South, and East plant their plumes at their respective cardinal points. Those for the zenith and nadir are planted to the west, on the road to the spirit lake, the stick of each one having the cardinal color decorations. This done, all retire to their kivas.

The Sä-lä-mō-bī-ya of the North, returning to his kiva, drinks the medicine water prepared by the priest of the great fire order (Mā-ᵗkē-hlān-ā ā-que), who, with some of his people, is now busy in the preparation of a sand altar. The Sä-lä-mō-bī-ya again emerge from the kivas, with long bunches of Spanish bayonet in their hands, in the ends of which grains of corn of the respective colors are placed and wrapped with shreds of the bayonet. Any man or youth desiring to raise yellow corn appeals to the Sä-lä-mō-bī-ya of the North, who strikes him a severe blow with his bunch of bayonets. Similar appeals are made to those representing other colors. The sand altar is made in the Kiva of the North. It is first laid in the ordinary yellowish sand, in the center of which the bowl of medicine water is placed. Over the yellow sand a ground of white sand is sprinkled. All the Sä-lä-mō-bī-ya and their brothers are represented on the altar (Plate XXII). The altar is circular in form and some twelve feet in diameter. The Kō-lō-oo-wĭt-si encircles the whole.

Throughout the day the Kōk-kō are running around the village whipping such of the people as appeal to them for a rich harvest, while the curious performances of the Kō-yē-mē-shi carry one back to the primitive drama.

Toward evening the ceremony for initiating the children begins. The priest of the Sun, entering the sacred plaza (or square), sprinkles a broad line of sacred meal from the southeast entrance across the south side, thence along the western side to the Kiva of the North, and up the ladderway to the entrance (which is always in the roof), and then passing over the housetops he goes to the Kiva of the Earth and sprinkles the meal

FIFTH ANNUAL REPORT. PLATE II.

SNAKE DANCE OF THE MOQUIS OF ARIZONA.

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upon the Kō-lō-oo-wĭt-si. He then precedes the Kōk-kō to the plaza and deposits a small quantity of yellow meal on the white line of meal near the eastern entrance. By this spot the Sä-lä-mō bī-ya of the North stands, south of the line of meal. The priest, continuing in advance, deposits a quantity of blue meal on the line a short distance from the yellow, which indicates the position for the Sä-lä-mō-bī-ya of the West. In like manner he indicates the position of the respective Sä-lä-mō-bī-ya with red meal for the South, white for the East, meal of all colors for the Heavens, and black meal for the Earth. The remainder of the Kōk-kō take their positions successively along the line of meal. The Kō yē-mē-shi group in the plaza. The godfathers then pass along the line of meal, each one holding his godchild on his back by a blanket, which he draws tightly around him. In olden times tanned robes of the buffalo were used for this purpose. As he passes the line of Kōk-kō each one strikes the child with his large bunch of Spanish bayonets. While the Indian from almost infancy looks upon any exhibition of feeling when undergoing physical suffering as most cowardly and unmanly, the severity of the pain inflicted by the yucca switches in this ceremony is at times such as to force tears from the eyes of the little ones, but a boy over the age of five or six rarely flinches under this ordeal. After passing the line the godparent enters the Kiva of the North, where he is met by a priest of the great fire order, who asks, "Who is your Kōk-kō?" When the godfather replies, he is directed to select his boy's plume. The plumes which ornament the heads of the figures have been previously wrapped in corn husks and carried to the priest by the respective godfathers. The godfather attaches the feather, which is a soft, downy feather of the eagle, to the scalp-lock of the child. The godparent is then given a drink of the holy water, which is dipped from the bowl by the medicine man with a shell attached to a long reed. The child also drinks and repeats a prayer after his sponsor. They then leave the kiva, and, taking a position on the north side of the plaza, the child kneels and clasps the bent knee of his godfather, who draws him still closer with the blanket around him. Four new characters of the Kōk-kō now appear, the Sai-ā-hli-a (see Plate XX). Each one of these strikes the child four times across the back with his yucca blades, having first tested with his foot the thickness of the child's clothing. The child must not have anything over his back but the one blanket, which is a gift from the godfather. This ceremonial over, each child accompanies his godparent to his home, where a choice meal is served.

The night ceremonial is conducted in two kivas, that of the South and that of the East. The Kōk-kō for this ceremony divide and enter the two kivas.

The godparents sit upon the stone ledge which passes around the room, whose walls are rectangular, and, spreading his knees, the boy sits on the ledge between them. To the right of the guardian his wife sits, and to his left his sister. In case the wife is not present, the older sister

sits on the right and a younger sister on the left. The father of the Sun (Pā-oo-tī-wa) enters and sits upon the throne which has been arranged for him at the west end of the room; this has a sacred blanket attached to the wall and one to sit upon, the whole profusely ornamented with white scarfs, woven belts, and many necklaces of turquoise and other precious beads. To his right and left sit the two young priests who prepared the throne; to the left of the priest, on the left of Pā-oo-tī-wa, sit the high priest and priestess of the Earth. The remainder of the ledge is filled with the boys and their friends. Nai-ū-chi, the living representative of Āh-ai-ū-ta, the war god, sits to the left of the fire altar as you enter and feeds the sacred flames. The Sä-lä-mō-bī-ya enter immediately after Pā-oo-tī-wa. All these, including Pā-oo-tī-wa, enter head foremost; the head touches the stone slab over the fire, and, completing a somersault, they vault into the room on all fours and in like manner pass to the right of the kiva and around to their places. Pā-oo-tī-wa is followed by the Sä-lä-mō-bī-ya of the North and others in proper order and rapid succession, the hind one always hopping into the foot and hand prints of the former. In the two kivas mounds of sand have been laid for the Kōk-kō and each one sits upon his mound. These mounds are some eighteen inches in diameter and a foot in height (Plate XXIII). When all have taken their places the Sä-lä-mō-bī-ya of the North arises and taking the wand from his mound walks to the group immediately to the right of the ladder as one enters. Holding the wand between his hands, he goes to each child and blows four times upon the wand, at the same time extending it toward the mouth of the child, who draws from it each time the sacred breath which passes from the mouth of the Kōk-kō over the plumes. The ᵗSī-ᵗsī-ᵗki carries the rabbit in addition to the wand, and over them he passes the sacred breath of the little grandfather. The godparent covers the eyes of the child with his hand, for the children must not look upon the Kōk-kō near by. The Sä-lä-mō-bī-ya of the North is followed by the Sä-lä-mō-bī-ya of the West and others, all in turn going to each child; as each one completes the round he places his wand in his belt, stands in the center of the kiva, and turns a somersault over the fire, striking his head on the fire slab as before, and so leaves the kiva feet foremost.

The Kō-lō-oo-wĭt-si now appears at the hatchways. He is brought by the priest of the Kō-lō-oo-wĭt-si and the Soot-īke. The high priest, the priest of the bow, and priestess of the earth advance to the hatchway, each holding a large earthen bowl, and catch the water poured from the mouth of the Kō-lō-oo-wĭt-si. Each guardian then fills the small bowl which he carries with the holy water and, drinking a portion of it, gives the remainder to the boy to drink. The bowl which contains it is a gift from the godfather. The boy sprinkles the corn stacked in his house with this water. After the water is exhausted from the large bowls a blanket is held by four men to catch the seeds of all the cereals which are sent up from the abdomen of the Kō-lō-oo-wĭt-si.

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These are taken from the blankets by three priests and placed in their own blankets, which rest over the left arm, and they, passing around, distribute the seeds to all present. The sand of the fallen mounds is gathered in a blanket and deposited in the river, to be carried to the home of the Kōk-kō. The boys now return to their homes, accompanied by the guardian and one other of their attendants. In the early morning the sister of the godfather goes for the boy and brings him to her house, where he enjoys a sumptuous breakfast. The godfather then leads the boy to the east for some distance from the village, sprinkling a line of sacred meal, and here he says a prayer, which the boy repeats after him, and the godfather, making a hole in the ground, plants a plume stick which he has made for the child.

From this time the child eats no animal food for four days. The plume which has been placed on the child's head in the kiva during the initiation is not removed till the fourth morning after the planting of the feathers, when he again goes over the road with his guardian, who deposits the plume from the child's head with a prayer, which is repeated by the child.

Thus ends this remarkable initiation of the Zuñi male child into the order of the Kōk-kō. This is really mainly done by sponsors, and he must personally take the vows as soon as he is old enough.

VOLUNTARY INITIATION INTO THE KŌK-KŌ.

After the first initiation of a boy into this order, he is left to decide for himself when he will assume the vows made for him by his sponsors, though the father and the godfather do not fail to impress upon the boy the importance of the second initiation, which occurs at an annual ceremonial; and when the boy has declared his determination to enter the order, if the Kōk-kō upon seeing him deem him too young, he is ordered to return to his home and wait awhile till his heart has become more wise. For this ceremonial the godparents and the boys assemble in the Kiva of the North. Each boy in turn takes his position to receive his whipping, which is necessary for initiation. The godfather, standing, bends his right knee, which the boy clasps, bowing his head low. The godfather holds the two ends of the blanket and buckskin tightly around the boy, while each of the four Sai-ā-hli-ā in turn give him four strokes across the back with a bunch of the yucca blades. Two of the Kō-yē-mē-shi stand by and count the strokes; the others are in the plaza outside, indulging in their primitive games, which excite much merriment among the large assemblage of people. After each boy has received the chastisement and all are again seated, the four Sai-ā-hli-ā pass in turn to each boy. Each one taking off his mask, places it over the head of the boy, handing him his Spanish bayonets. The boy strikes the Kōk-kō once across each arm and once across each ankle. The Kōk-kō does not speak, but the boy is instructed by his guardian, who talks to him in a whisper, telling him not to be afraid, but to strike

hard. The eyes of the boys open wide as the Kōk kō raise their masks and for the first time familiar faces are recognized. The Kōk-kō leave the kiva after revealing their identity to the children, and running around the village use their switches indiscriminately, with a few exceptional cases. I saw a woman whipped, she taking the babe from her back and holding it in her arms. This woman requested the whipping that she might be rid of the bad dreams that nightly troubled her. After the Sai ā-hli-ā leave the kiva the children are called by the priest of the Kōk-kō and told to sit in front of him and the other priests, including the High Priest of Zuñi. This august body sits in the kiva throughout the ceremony. The Priest of the Kōk-kō then delivers a lecture to the boys, instructing them in some of the secrets of the order, when they are told if they betray the secrets confided to them they will be punished by death; their heads will be cut off with a stone knife; for so the Kōk-kō has ordered. They are told how the Kōk-kō appeared upon the earth and instructed the people to represent them. The priest closes by telling the children that in the old some boys betrayed the secret and told that these were not the real gods, but men personating the Kōk-kō, and when this reached the gods the Sai-ā-hli-ā appeared upon the earth and inquired for the boys. The people then lived upon the mesa tō-wā-yäl-läu-ne. The mothers declared they knew not where they had fled. The Kōk-kō stamped his feet upon the rocky ground and the rocks parted, and away down in the depths of the mountain he found the naughty boys. He ordered them to come to him and he cut off their heads with his stone knife. This story is sufficient to impress the children that there is no escape for them if they betray the confidence reposed in them, for the Kōk-kō can compel the rocks to part and reveal the secrets.

A repast is now served to the priests and the boys and others in the kiva. The food is brought by the wives and sisters of the four Sai-ā hli-ā to the hatchway and carried in by the Kōk-kō, who have returned to the kiva. The feast opens with a grace said by the priest of the Kōk-kō, who immediately after collects upon a piece of Hē-wi (a certain kind of bread) bits of all the food served. This he rolls up and places by his side, and at the conclusion of the feast he carries it to a distance from the village over the road to the spirit lake and making a hole in the ground he deposits it as an offering to the gods. Each child goes to the godfather's house, where his head and hands are bathed in yucca suds by the mother and sisters of the godfather, they repeating prayers that the youth may be true to his vows, &c. The boy then returning to his own home is tested by his father, who says, "You are no longer ignorant; you are no longer a little child, but a young man. Were you pleased with the words of the Kōk-kō? What did the priest tell you?" The boy does not forget himself and reveal anything that was said, for the terror overhanging him is too great.

When a youth is selected to personate the Kōk-kō he is instructed

in regard to the decorating of the mask he is to wear. When this is done he goes at night to the proper kiva and seated between two instructors he learns the song and prayers. In committing songs and prayers to memory the novice holds a tiny crystal between his thumb and forefinger for a while, then he puts it into his mouth, and at the conclusion of the instruction he swallows it. This insures the remembrance of the prayers and songs, and he awakes the following morning with them indelibly impressed upon his mind. The pupil is then struck across each arm and across each ankle with the yucca blades.

There are very few women belonging to the order of the Kōk-kō. I think there are now only five in Zuñi. When a woman of the order becomes advanced in age she endeavors to find some maiden who will take upon herself the vows at her death. Selecting some young woman, she appeals to her to be received into the order of the Kōk-kō. The maiden replies, "I know nothing concerning the mysteries of the order. You must talk to my father." After the father is spoken to, he in turn spends the night in explaining the duties of the position to his daughter and that the gods would be displeased if she should marry after joining the Kōk-kō. Assuming the Kōk-kō vows is entirely optional with the girl. It is never her duty, but a special privilege which is rarely accepted. If she accepts she passes through both ceremonials described. She chooses her godfather, who gives her for the first ceremony a woman's blanket and for the second a woman's dress, a white blanket, a quantity of blue yarn, a woman's belt, a buckskin, a sacred blanket, and the mask she is to wear. But even here in Zuñi, where the people are so controlled by the priests and have such a superstitious dread of disobeying the commands of the Kōk-kō, women have been guilty of desecrating their sacred office and marrying. At present there is a woman of the order of the Kōk-kō married to a Navajo. She is of course forever afterwards debarred from joining in the ceremonials, but she is permitted to live among her people with no other punishment than their indignation.

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